
Case Notes (Annex IV)

The Use of Force in Practice: 1945-2020

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1. Indonesian War 1945-1946

Key data

Duration: 10.11.1945 – 15.10.1946; Parties: Netherlands, United Kingdom vs. Indonesia; Initiator: Indonesia.

210 Netherlands

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstract general level	.7 validity	
9 non-applicability of the prohibition on the use of force	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>Affirmed that there was no “Dispute” in terms of the UNCh and that the international peace was not endangered. Thus, there should be nothing for the UNSC to deal with as questions concerning the independence of Indonesia were matters of “domestic jurisdiction” (SCOR, 15th meeting, 10 February 1946, p. 219; UNYB 1946-47, 339, 340; S/466)</p> <p><u>1.4 Contestation about interpretation</u></p>

						<p>### Netherlands maintain that this is an internal affair and that consequently, the UN Charta does not apply ###</p> <p>“Looking at this matter from the point of view of the Charter, the Netherlands representative observed, first that there was no “dispute”; second, there was no “situation” threatening to endanger peace and security; third, there was not international friction which might lead to infringement of the peace; fourth, there was no infringement of Article 1, because apart from Article 1, Paragraphs 2 and 3, there was also Chapter XI in the Charter. Fifth, there was, therefore, no case for the Security Council to deal with. [...] The representative of the Netherlands reminded the Council of the fact that according to the Charter the internal matters of any given State were not for the United Nations to deal with.” (UNYB 1946-47, p. 339)</p> <p>“The Netherlands Government, although persisting in its denial of the Council's jurisdiction in this matter, fully understand the Council's desire to see the use of arms come to an end in this as in other cases.” (S/466, Letter of 4 August 1947)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<p>1945/1946:</p> <p>### During the initial phase of the conflict from 1945 to 1946, the UNSC did not address the conflict. ###</p> <p>1947:</p> <p>### UNSC addressed a resolution to the Netherlands and the “Republic of Indonesia”. While this may be construed as support for the Indonesian position, the resolution only generally called for an end of hostilities, thereby not taking a clear position. ###</p> <p>“The Security Council, Noting with concern the hostilities in progress between the armed forces of the Netherlands and the Republic of Indonesia, Calls upon the parties: (a) to cease hostilities forthwith, and (b) to settle their dispute by arbitration or by other peaceful means and keep the Security Council informed about the progress of the settlement.” (S/RES/27(1947))</p>
7. UNGA Reaction	4 no reaction	<p>### UNGA did not take up the matter during 1945/1946 ###</p> <p>#### addressed the Situation in 1949, reacting to the negotiations between the Netherlands and the Republic of Indonesia Resolutions 374 (III) and 301 (IV) ###</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>United Kingdom:</p> <p>### in support of the Dutch position that the UNCh cannot be applied to this situation, which they view to be a Dutch internal affair ###</p> <p>“The representative of the United Kingdom stated that the sovereignty of the Netherlands was not questioned in all the statements heard. After pointing out the provision of Paragraph 7 of Article 2 of the Charter he declared that, when internal trouble arose, he could not agree that a commission should be sent to investigate and deal with the problems arising within the territory of a sovereign power.” (UNYB 1946/47, p. 339)</p> <p>Belgium:</p> <p>### supports the Dutch claim, that this situation constitutes an internal affair of the Netherlands.###</p> <p>“At the present stage, the Netherlands Government holds sovereignty over this territory and thus argues that under the Charter the Security Council has no right to intervene. I have so far heard no argument which proved the contrary. In these circumstances I think we would be well advised to reserve our opinion to this point. (...) The Netherlands delegation has given the reason which lead it to conclude that this case is covered by paragraph 7 of Article 2 of the Charter and in the circumstances does not come within the Council’s purview.” (Security Council Official Records meetings 172 and 173, 1 August 1947, p.1653)</p> <p>Soviet Union:</p> <p>### supports the Indonesian position that this situation constitutes an act of Dutch aggression in Indonesia.###</p>

		<p>“I want to draw the Security Council’s attention to the fact that we should be making a gross mistake if we transferred the center of our attention from the basic issue to its legal aspect and tried by various kinds of legal definitions to conceal the fact that military operations are being carried out in Indonesia by the Netherlands.” (Security Council Official Records meetings 172 and 173, 1 August 1947, p.1661)</p> <p>India: <i>### in support of the recognition of Indonesian independence and statehood.###</i> “Lastly, in the Linggdadjati Agreement under article XVII, there is provision for the President of the International Court of Justice to nominate the Chairman of an arbitration body. This is significant. As the members are aware, only states may be parties in the cases before the Court. The de facto recognition referred to has not been withdrawn, and it follows that the Republic of Indonesia is a State in international law.” (Security Council Official Records, meeting 171, 31 July 1947, p.1623-1624) <i>### from the text of the agreement: “Article 17 – A For the co-operation between the Netherlands Government and the Government of the Republic contemplated in this agreement, an organization shall be called into existence of delegations to be appointed by each of the two Governments with a joint secretariat. B The Netherlands Government and the Government of the Republic of Indonesia shall settle by arbitration any dispute which might arise from this agreement and which cannot be solved by joint consultation in conference between those delegations. In that case a chairman of another nationality with a deciding vote shall be appointed by agreement between the delegations or, if such agreement cannot be reached, by the President of the International Court of Justice.” ###</i></p> <p>The Arab League: <i>### The (then seven member States of the) Arab League recognized Indonesia in November 1946 (The New York Times, 19 November 1946, p. 15, column 12)</i></p>
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200 United Kingdom

	Code
Law invoked?	2 No

		Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	2 maintenance of law and order	<p>### UK acted under orders by Allied Command to return that territory to the pre-war sovereign power; this could be read as claiming that their presence was with the consent of the Netherlands, wo had sovereignty over Indonesia at the time ###</p> <p>“The point as to who was the sovereign authority in Indonesia should also be made clear. It was the definite decision of the Allies to restore the territory taken by the enemy to the sovereign authority. At the time of the Japanese surrender the British had been planning to launch a large attack on the Japanese in Malaya and other places. After the surrender of Japan, Britain was given the task by the Allied Supreme Command of rounding up Japanese troops in Indonesia and rescuing more than 200,000 internees who had been placed in confinement by the Japanese. [...]</p> <p>However, Britain was only carrying out the orders of the Allied Supreme Command and the question of sending commissions should be dealt with by the sovereign Power—the Netherlands. [...]” (UNYB 1946/47, pp. 338-339)</p>

		<p>“General Christianson had a conference with Mr. Soekarno explaining Britain's purpose in Indonesia. General Mallaby had brought the leaders of the nationalist movement together and arranged a truce, but he had been assassinated. To forestall wholesale assassination throughout the country Admiral Mountbatten had made the Japanese responsible for seeing that this did not occur. The representative of the United Kingdom denied that British troops had attacked local inhabitants but said that they had been compelled to defend themselves against attack and obliged to take security measures to enable them to carry out tasks assigned to them. [...]” (UNYB 1946/47, p. 339)</p>
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	Code	Material
6. UNSC Reaction	3 unclear	<i>see Netherlands 6</i>
7. UNGA Reaction	4 no reaction	<i>see Netherlands 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>### <i>see Netherlands 9 with regard to the overall conflict, below for reactions specific to actions taken by UK###</i></p> <p>Ukraine: ### <i>condemning military action of the British, using as well Japanese forces, against the Indonesian Independence Movement/Republic of Indonesia; calling for respect for Indonesia's rights under the UNCH ###</i> (at a meeting of the UNSC, Feb 7 1946) “By a letter dated January 21, 1946, the Ukrainian representative, under Articles 34 and 35 of the Charter, drew the attention of the Security Council to the fact that military action had allegedly been directed against the local population by the British and Japanese forces in Indonesia, and it was the opinion of his Government that this situation threatened the maintenance of international peace and security. [...] The defeat of Japan encouraged the Indonesians in the hope that their national aspirations would at last be realized. [...] Thus, it was quite evident that after the defeat of Japan, and the end of the war, there was a situation in Indonesia which, under the terms of Article 34 of the Charter, threatened the maintenance of international peace and security. It was beyond a doubt that such intervention by British and Indian troops in the internal affairs of Indonesia was in direct contradiction to Article 1 (2) of the Charter. This intervention was also in contradiction to Article 73 of the Charter. [...] ... considered it inadmissible that the British troops were used for the suppression of the national movement of the Indonesian people and that Japanese forces were used for participating in those operations against the Indonesian people. [...] The representative of the Ukrainian S.S.R. formulated his proposals under four heads: (1) That the use of British troops was not just and not right. (2) That it was inadmissible that Japanese troops were used [under direction of the British] against the Indonesian population. (3) That the Indonesian population should be granted privileges and rights established in the Charter. [...]” (UNYB 1946/47, p. 338)</p> <p>Netherlands: “The representative of the Netherlands stated that the task of the British was to accept the surrender of the Japanese and disarm them. In addition, part of their task was to rescue prisoners of war and some 200,000 Europeans. Regarding the behavior of the British troops, he wanted to bear testimony to the extreme restraint and forbearance of the British troops in Java and other areas</p>

		in the Netherlands Indies. It was not the aim of the British troops to wage military actions against the local population, but the horrible deeds which had occurred in Indonesia justified the continued presence of the Allied troops.” (UNYB 1946/47, p. 339)
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850 Indonesia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<p>### The Nationalist Movement declared Indonesia independent on 17 August 1945 and from then on considered it to be a sovereign State ###</p> <p>“The deliberative gathering was unanimously of the opinion that NOW has come the time to declare our independence. (...) We the people of Indonesia hereby declare the independence of Indonesia. Matters which concern the transfer of power and other things will be executed by careful means and in the shortest possible time. Djakarta, 17 August 1945. In the name of the people of Indonesia, Sukarno – Hatta. (...) We are now already free! There is not another single tie binding our country and our people! As from this moment we build our state. A free state, the State of the Republic of Indonesia – evermore and eternally independent.” (<i>Kahin, “Surkano’s Proclamation of Indonesian Independence”, Southeast Asia Program Publications at Cornell University, Indonesia, No.69 (April 2000),1</i>)</p> <p>Dr. Mohammed Hatta, Nationalist vice-president, declared that “not for a moment will Indonesian countenance any form of colonial status, whatever new garb it assumes or whatever fancy name [it] is given. “War or revolution raging fiercely for years and years will be the only result. This may be the Dutch idea of bringing peace and order into the country, but certainly it will never end in</p>

						<p>Indonesia's being brought under Dutch control", Dr. Hatta declared at a press conference. (...) Dr. Hatta said that "the Dutch should not remain under the illusion that they can thwart the Indonesian desire to remain independent. The reported 40.000 Dutch troops to be used in Indonesia to spread love for the Dutch with sword and fire will definitely not succeed in their efforts" he declared. Dr. Hatta acted as official spokesman in the absence of President Achmed Soekarno (...). ("Freedom-or-War demand issued by Indonesian Nationalist group", The New York Times, 19.10.1945, p.2, https://www.nytimes.com/1945/10/19/archives/freedomorwar-demand-issued-by-indonesian-nationalist-group-soekarno.html (accessed on 20 November 2022))</p> <p>"[I] gave the order to our entire people and armed forces to arise as one man and to resist the outrageous Dutch aggression. (...) We (...) have unrelentingly endeavored to make it clear that the Dutch attack is in fact a colonial war, that the Dutch are guilty by imposing their will on the Indonesian people by force of arms. (...) We have demonstrated, that we are able to counter the Dutch aggression, (...). The world does not nurse any doubt as to the righteousness of the Republican standpoint at present. (...) we will choose the pacific way whilst fully satisfied of our own strength and the righteousness of our cause." (Radio speech by the President of the Republic of Indonesia on 4 August 1947, as transmitted to the President of the Security Council. S_470-EN)</p>
Letter sent in accordance with Art. 51 UNCh	2 no					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	1 enable self-determination	<p>“Dr. Mohammed Hatta, Nationalist vice-president, declared that “not for a moment will Indonesian countenance any form of colonial status, whatever new garb it assumes or whatever fancy name [it] is given. “War or revolution raging fiercely for years and years will be the only result. This may be the Dutch idea of bringing peace and order into the country, but certainly it will never end in Indonesia’s being brought under Dutch control”, Dr. Hatta declared at a press conference. (...) Dr. Hatta said that “the Dutch should not remain under the illusion that they can thwart the Indonesian desire to remain independent.” (“Freedom-or-War demand issued by Indonesian Nationalist group”, The New York Times, 19.10.1945, p.2, https://www.nytimes.com/1945/10/19/archives/freedomorwar-demand-issued-by-indonesian-nationalist-group-soekarno.html (accessed on 20 November 2022))</p>
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	Code	Material
6. UNSC Reaction	3 unclear	<i>see Netherlands 6</i>
7. UNGA Reaction	4 no reaction	<i>see Netherlands 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Netherlands 9</i>

2. French Indochina War 1946-1954

Key data

Duration: 20.11.1946 – 01.06.1954; Parties: France vs. Vietminh (foreign involvements: US, China, UdSSR); Initiator: Vietminh.

816 Vietminh (The Democratic Republic of Vietnam)

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	1 enable self-determination	<p>### Democratic Republic of Vietnam saw itself as the legitimate representative of Vietnam and proclaimed independence in 1946. They insisted on full independence rather than on Vietnamese autonomy within the French Union. ###</p> <p>“On 2 September 1945, Ho Chi Min proclaimed independence of the “Democratic Republic of Viet-Nam” in Hanoi.” (Hammerbacher, Die völkerrechtliche Stellung Vietnams, 1960, p. 13). ###The declaration encompassed the provinces on Annam, Cochinchina and Tonkin (all of modern-day Vietnam) ###</p> <p>“On 6 November 1946, the Democratic Republic of Vietnam proclaimed a constitution that applied to all three regions of Vietnam- stating that these are indivisible parts of the state of Vietnam. The possibility of subordination under French authority was not foreseen.” (Hammerbacher, Die völkerrechtliche Stellung Vietnams, 1960, p. 15)</p> <p>“Ho Chi Minh, President of the Viet Nam Republic, has requested recognition by “all the governments of the world” for his guerilla movement as the “only legal government representing the unanimity of the Viet Nam people.” Accounting for the events of the last three years of civil war, he said that “*** the French colonialists have been carrying on their infamous war on the Viet Nameese against the peaceful aspirations of the French people. They have created a puppet government under Bao Dai to back up their war or reconquest and to hoodwink the world.” (“Bao Dai’s Forces Lead fight on Ho”, The New York Times, 20.01.1950, https://timesmachine.nytimes.com/timesmachine/1950/01/20/issue.html (accessed on 28 May 2022))</p> <p>“Ho Chi Minh, President of the Viet Nam Republic, has requested recognition by “all the governments of the world” for his guerilla movement as the ‘only legal government representing the unanimity of the Viet Nam people.’” (“Bao Dai’s Forces Lead fight on Ho”, The New York Times, 20.01.1950, https://timesmachine.nytimes.com/timesmachine/1950/01/20/issue.html (accessed on 28 May 2022))</p>

		<p>“Ho Chi Minh, Communist leader of Vietminh, has declared that “it is our firm standpoint to negotiate with France on the basis of independence, unity and democratic freedom for a cease-fire, armistice and restoration of peace in Indo-China.” He further stated:</p> <p>‘The people of Vietnam seek a “peaceful, united, independent, democratic and free nation.”’ (“Ho Chi Minh says he desires peace”, The New York Times, 09.05.1954, https://timesmachine.nytimes.com/timesmachine/1954/05/09/issue.html (accessed on 28 May 2022))</p>
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	Code	Material
6. UNSC Reaction	5 no reaction	<p><i>### The United Nations Security Council did not react to the conflict until May 1954 ###</i></p> <p>“A September 1947 Viet Minh letter to United Nations Secretary-General Trygve Lie received no reply.” (Weisburd, Use of Force: The Practice of States since World War II, 1997, p. 66; Hammer, The Struggle for Indochina, 1940-1955, 1966, p. 213)</p> <p><i>### May 1954: Thailand proposed to address the conflict in the Security Council; Union of Soviet Socialist Republics as a permanent member voted against a draft resolution and therefore a draft resolution concerning the conflict was not adopted; The Union of Soviet Socialist Republics argued that a draft resolution would impede the Geneva Conference ###</i></p> <p><i>see further: 9. State Reaction</i></p> <p>“The lack of any role for the United Nations is striking. Indeed, by 1954, when Thailand proposed to put Indochina on the Security Council’s agenda, there was opposition based on the fear that actions in the Council, e.g. a Soviet veto, could somehow interfere with the Geneva Conference.” (Weisburd, Use of Force: The Practice of States since World War II, 1997, p. 68)</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p><i>concerning reaction by States opposing the Vietminh government see: France 9</i></p> <p>1) ### At the beginning of the war: no reaction by any other State ###</p> <p>“First, as long as the struggle was perceived as a nationalist rebellion, most of the rest of the world did not care to get involved.” (Weisburd, Use of Force: The Practice of States since World War II, 1997, p. 67)</p> <p>“At the 1947 Asian Relations Conference in New Delhi, Vietnam and Indonesia joined in urging other Asian States to take various actions to assist their respective struggles for independence, such as raising before the United Nations the matter of the two independent struggles and providing material support. They received a lukewarm reception, however, Prime Minister</p>

	<p>Jawaharlal Nehru of India explaining that material support could not be provided without broadening the area of conflict." (Weisburd, Use of Force: The Practice of States since World War II, 1997, p. 65; "Asiatics suggests Anti-Colonies Plan", The New York Times, 06.04.1947, https://timesmachine.nytimes.com/timesmachine/1947/04/06/issue.html (accessed on 28 May 2022))</p> <p>"The Soviet Union likewise declined to take much interest in the Vietnamese, and the British saw the matter as a purely French concern." (Weisburd, Use of Force: The Practice of States since World War II, 1997, at 65; Hammer, The Struggle for Indochina, 1940-1955, 1966, at 201).</p> <p>"The United States was also disclined to do more than to express a wish for peace, its traditional anticolonialism colliding with its interest in supporting France, which was seen as a key factor in Western Europe." (Weisburd, Use of Force: The Practice of States since World War II, 1997, p. 65; Hammer, The Struggle for Indochina, 1940-1955, 1966, p. 202)</p> <p><i>### Once the issue involved communism: communist States recognizing the Ho Chi Minh government, only China get involved military ###</i></p> <p>India: <i>### planned to get involved military, but ultimately did not get involved militarily ###</i></p> <p>"In November 1946, the French had bombarded the coastal Vietnamese city of Haiphong, killing 6000 people. In response, India's leader Sarat Chandra Bose had gathered a volunteer force, named 'Vietnamese Brigade' to dispatch to Indo-China to fight the French. The brigade was stalled as Nehru had refused to provide it transport or any finance." (Thakur, An Asian Drama: The Asian Relations Conference 1947, The International History Review, 2018, p. 8; Goscha, Thailand and the Southeast Asian Networks of The Vietnamese Revolution, 2016, p. 249-50)</p> <p>China (The People's Republic of China): <i>### recognized the Ho Chi Minh government and provided military assistance ###</i></p> <p>"Once the Communists came to power in China in 1949, the Vietminh forces (led by Gen Vo Nguyen Giap) had a source of supply and soldiery and were able to make advances throughout the countryside." (Jian, China and the First Indo-China War, 1950-54, The China Quarterly, 1993, p. 88)</p> <p>"In mid-January 1950, the PRC granted formal diplomatic recognition to the DRV so that it could participate in international society." (Jian, China and the First Indo-China War, 1950-54, The China Quarterly, 1993, p. 88)</p> <p>"Liu [Liu Shaoqi, next to Mao in the CCP leadership] stressed to Luo [Luo Guibo, then director of the Administrative Office of the Central Military Committee of the CCP (CMCC), who was send by Liu to be the CCP's liaison representative in Vietnam] that 'it is</p>
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	<p>the duty of those countries which have achieved the victory of their own revolution to support peoples who are still conducting the just struggle for liberation, and that 'it is our international obligation to support the anti-French struggle of the Vietnamese people.'" (Jian, China and the First Indo-China War, 19550-54, The China Quarterly, 1993, p. 88)</p> <p>"To Ho's great satisfaction, Mao and Zhou, first in Moscow then Beijing (to where Ho returned), promised that the CCP would do its best 'to offer every military assistance needed by Vietnam in its struggle against France.'" (Jian, China and the First Indo-China War, 19550-54, The China Quarterly, 1993, p. 88)</p> <p>"The Communist Government in China has decided to recognize Ho Chi Minh's Republic of Viet Nam, the Peiping radio declared in a broadcast picked up here last night." ("Bao Dai's Forces Lead fight on Ho", The New York Times, 20.01.1950, https://timesmachine.nytimes.com/timesmachine/1950/01/20/issue.html (accessed on 28 May 2022))</p> <p>Russia (The Union of Soviet Socialist Republics): <i>### recognized the Ho Chi Minh government ###</i></p> <p>"The action of the new Chinese People's Republic in recognizing the Viet Nam Government of Ho Chi Minh in Indo-China, and the announcement of the Soviet Government that it was recognizing the independence of the United States of Indonesia and establishing diplomatic relations with the new State [...]" ("Moscow Recognition of Ho Chi Minh Seen", The New York Times, 27.01.1950, https://timesmachine.nytimes.com/timesmachine/1950/01/27/87016770.html?pageNumber=8 (accessed on 28 May 2022))</p> <p>Yugoslavia: <i>### recognized the Ho Chi Minh government ###</i></p> <p>"Belgrade, Yugoslavia, Feb. 21- The Yugoslav Government announced tonight it had accepted the proposal of Ho Chi Minh, Communist leader of the rebel Viet Nam Government in Indo-China, to establish diplomatic relations. [...] The Yugoslav announcement said Foreign Minister Edvard Kardelj had sent the following telegram to Nguyen Duc Quy, Ho Chi Minh's representative in Thailand: 'I have the honor to inform you of the receipt of the communication of Jan. 14, 1950, sent to us by Ho Chi Minh, Premier of the Democratic people's republic of Viet Nam which you have been so kind to send us on Feb. 3 and which we received on Feb. 15. 'Will you be so kind and inform your Government of the following: Inspired by the principle of respecting the rights of every people to independence and sovereignty, the Yugoslav Government has considered the communication of the Premier of Viet Nam and authorized me to declared that it accepts the proposal of your Government to establish diplomatic relations between our two countries.'" ("Ho Chi Minh asks and gets tito ties", The New York Times, 22.02.1950, https://timesmachine.nytimes.com/timesmachine/1950/02/22/issue.html (accessed on 28 May 2022))</p> <p>Bulgaria: <i>### recognized the Ho Chi Minh government ###</i></p>
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	<p>“Sofia, Bulgaria, Feb. 8- The Bulgarian Government will recognize Ho Chi Minh’s “democratic republic” in French Indo-China, established diplomatic relations and exchange diplomatic representatives.” (“Belgians Back Viet Nam”, The New York Times, 09.02.1950, https://timesmachine.nytimes.com/timesmachine/1950/02/09/issue.html (accessed on 28 May 2022))</p> <p>2) <i>### At the end of the war: Uninvolved States focused on ending the conflict rather than on evaluating the legality of actions by the conflict parties ###</i></p> <p>“Uninvolved States tended to concentrate more on ending the conflict than on determining which party was the aggressor and proceeding accordingly.” (Weisburd, Use of Force: The Practice of States since World War II, 1997, p. 68)</p> <p>Phillippine Republic: “(…) when you consider parallel events in Indonesia and in Indo-China, it would seem that a policy of peaceful and gradual evolution towards self- government and ultimate independence on a fixed date, is one to be preferred to a violent solution by arms.” (Philippine Republic, GA 64th meeting, 14 December 1946, A_PV-64)</p> <p>Thailand: <i>### brought the conflict in Indo-China before the Security Council for its consideration as it fears that the conflict will affect Thailand’s territory, and considers the conflict to be a threat to international peace and security. Requests that a sub-commission of the Peace Observation Commission is established to observe the area in Thailand and to report on the situation existing in Thailand ###</i></p> <p>„On 29 May 1954, the Government of Thailand brought to the attention of the Security Council a situation which represents a threat to the security of Thailand [the situation in Indo-China], the continuance of which is likely to endanger the maintenance of international peace and security. Although up till now my country has not been directly attacked, the situation in territories bordering on Thailand has become so explosive and tension is so high that a very real danger exists that fighting may spread to Thailand and the other countries of the area and that foreign troops may effect direct incursions into Thai territory. […] It has therefore been my duty, on the instructions of the Government of Thailand, to request that this situation be officially brought to the attention of the Security Council. In bringing this situation to the attention of the Council, my Government is prompted by the desire not only to assure the safety and well-being of our nation, but to fulfil faithfully our duty as a loyal Member of the United Nations. No responsible government anxious to preserve the security of its own country can remain impassive when forces of unrest are active near its frontiers. […] In consequence, I would suggest that a sub-commission of the Peace Observation Commission be established with the authority to dispatch observers to any part of the general area of Thailand on the request of any State or any States concerned but only to the territory of States consenting thereto. […]“ (Thailand, Security Council 672nd meeting, 3 June 1954, S_PV-672)</p>
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		<p>France: <i>### voted in favor of the inclusion of the conflict in the Council's agenda as a precautionary measure but stresses that this should not impede with the consultations at the Geneva Conference ###</i></p> <p>„ (...) possible threat which the events at present taking place on the Indo-Chinese peninsula may constitute to its security. We consider those apprehensions, I repeat, to be perfectly legitimate, and we quite understand that the Thailand Government should refer them to the Security Council. Moreover, contrary to what the Soviet Union representative seems to suppose, the Thailand representative's request, as we understand it, is in no way intended to place the Indo-Chinese problem as a whole- any more than the problems at the present being discussed at Geneva- before the Security Council. Its sole object is to secure, as a precautionary measure, the despatch to Thailand territory of a mission of the Peace Observation Commission, which would be able, if subsequent events necessitated such a course, to report to the Security Council on any threats which might develop at any time and imperil the security of Thailand. “ (France, Security Council, 672nd meeting, 3 June 1954, S_PV-672)</p> <p>Brazil, China, Columbia, Denmark, France, Lebanon, New Zealand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America: “Voted in favor of the adoption of the conflict in Indo-China into the Security Council's agenda. Only the Union of Soviet Socialist Republics voted against it. The agenda was adopted by 10 votes to 1.” (Security Council, 672nd meeting, 3 June 1954, S_PV-672)</p> <p>Russia: <i>### objected and voted against the inclusion of the Indo-China conflict into the Security Council for the reason that this would not solve the problem of restoration of peace in Indo-China, and might impede a solution of the problem at the Geneva conference ###</i></p> <p>“the question of the restoration of peace in Indo-China is at the present time being considered by a conference of the Foreign Ministers of the Soviet Union, the United States of America, the People's Republic of China, France and the United Kingdom [...]. In view of this fact, it is in no way a matter of necessity for the Security Council to consider the item submitted by Thailand. Consideration of this question by the Security Council would not only not contribute to solve the problem of the restoration of peace in Indo- China, but might impede a successful solution of this problem at the Geneva conference of Foreign Ministers. [...] For these reasons, the delegation of the Soviet Union objects to the inclusion of the item proposed by the representative of Thailand in the agenda of the Security Council and will vote against it” (Russia, Security Council, 672nd meeting, 3 June 1954, S_PV-672)</p> <p>“[...] the question of the restoration of peace in Indo-China is at present being considered by the Ministers of Foreign Affairs meeting in Geneva. [...] There can be no doubt that the attempt to involve the Security Council in a discussion of the Thailand draft resolution, which, clearly, has a direct connection with the Indo-Chinese question now being discussed at Geneva, not only</p>
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		<p>cannot promote an early settlement of the Indo-Chinese question at the Geneva conference of Foreign Ministers but on the contrary is likely to hinder the solution of the problem of the restoration of peace in Indo-China. [...]” (Security Council, 674th meeting, 18 June 1954, S_PV_674)</p> <p>India, Pakistan, Burma, Indonesia, Ceylon: “Several neutral Asian states (India, Pakistan, Burma, Indonesia and Ceylon) were at that time calling for a cease-fire and an end to colonialism.” (Weisburd, Use of Force: The Practice of States since World War II, 1997, p. 67)</p> <p>3) <i>### At the end of the war: Geneva Conference settled the conflict temporarily###</i></p> <p>“The Geneva participants (each of the Associated States, the Viet Minh [now the Democratic Republic of Vietnam, or DRV], France, the United Kingdom, the Soviet Union, the PRC, and the United States) produced an agreement. Under the Geneva Accords (which the United States and the “State of Vietnam” refused to sign) fighting was to stop and Vietnam was to be divided at the seventeenth parallel until national elections were held to reunify the country in 1956.” (Weisburd, Use of Force: The Practice of States since World War II, 1997, p. 67).</p>
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220 France

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	

Letter sent in accordance with Art. 51 UNCh	0 – not applicable
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4. Invocation of use of force by a victim state	.2 Source	Material
0	0.	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	<i>see Viet Minh 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p><i>Regarding the overall State reaction see Viet Minh 9</i></p> <p><i>Regarding communist States recognizing Ho Chi Minh government see Viet Minh 9</i></p> <p><i>### Western States supporting France and recognizing State of Vietnam (Bao Dai government) ###</i></p> <p>“State of Vietnam recognized by 35 States.” (Weisburd, <i>Use of Force: The Practice of States since World War II</i>, 1997, p. 67; Hammer, <i>The Struggle for Indochina, 1940-1955</i>, 1966, p. 321)</p>

	<p>“French newspaper today announced that Charles E. Bohlen, United States Minister to Paris, had at the instance of Ambassador David K.E. Bruce urged upon the United States State Department “the necessity for rapid recognition of the regime of Bao Dai by the United States.” (“Bao Dai’s Forces Lead fight on Ho”, The New York Times, 20.01.1950, https://timesmachine.nytimes.com/timesmachine/1950/01/20/89710171.html?pageNumber=4 (accessed on 28 May 2022))</p> <p>“The USA acknowledged French sovereignty in Indochina in 1945. « (Tonnesson, The outbreak of war in Indochina 1946, 1984, p. 28)</p> <p>“Brussels, Belgium, Feb. 8- Belgium accorded recognition to the Governments of Viet Nam, Laos and Cambodia today, the Ministry of Foreign Affairs announced.” (“Belgians Back Viet Nam”, The New York Times, 09.02.1950, https://timesmachine.nytimes.com/timesmachine/1950/02/09/issue.html (accessed on 28 May 2022))</p> <p>“Wellington, New Zealand, Thursday, Feb. 9 (Reuters)- New Zealand has decided to accord recognition to the new states of Viet Nam, Laos and Cambodia, Fred Doidve, Minister for External Affairs, announced today.” (“Belgians Back Viet Nam”, The New York Times, 09.02.1950, https://timesmachine.nytimes.com/timesmachine/1950/02/09/issue.html (accessed on 28 May 2022))</p> <p>“Once the issue was seen as one involving Communism, interest in aid to France grew greatly among Western States, as reflected in aid from the United States and in diplomatic recognitions of the Associated States. The United States, in particular, characterized the war as involving aggression linked to the Soviet Union and the PRC, though this label apparently had more to do with American assumption of the unity of Communism than with a dispassionate analysis of the facts on the ground. Even the United States, however, was unwilling to commit its own armed forces.” (Weisburd, Use of Force: The Practice of States since World War II, 1997, p. 68).</p> <p><u>United States:</u></p> <p><i>### characterized the problem as one of communism and aggression by the PRC and Soviet Union and got involved to support the anti-communist forces ###</i></p> <p>“[1954]: The United States had come to characterize the problem as simply as one of Communist aggression, ultimately directed by the PRC and the Soviet Union. In the spring of 1954 Secretary of States Dulles called for “united action” to prevent Russian and Chinese from imposing themselves in Indochina and attempted to form an anti-Communist alliance to protect the Associated States.” (Weisburd, Use of Force: The Practice of States since World War II, 1997, p. 67; “A Chronology of the Administration’s Policy on Indo-China”, The New York Times, 04.05.1954, https://timesmachine.nytimes.com/timesmachine/1954/05/04/84119757.html?pageNumber=4 (accessed on 28 May 2022))</p> <p>“February 17, 1954: President Eisenhower at his news conference: Q.- Is there any way to distinguish between aid to the anti-Communist forces in Indo-China and support of colonialism? A.- The President replied that the questioner had asked the very</p>
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		<p>question that was the crux of this whole thing. There was no colonialism in this battle at all. France, he added, had announced several times, and most emphatically last July, that she was fighting to give the three Associated States their freedom, their liberty. He believed it had been agreed they would live inside the French Union, but as free and independent states." ("A Chronology of the Administration's Policy on Indo-China", The New York Times, 04.05.1954, https://timesmachine.nytimes.com/timesmachine/1954/05/04/84119757.html?pageNumber=4 (accessed on 28 May 2022))</p> <p>"March 24, 1954: President Eisenhower at his news conference: Now, this fighting going on in Indo-China: no matter how it started, had very manifestly became again one of the battlegrounds of the people that want to live their own lives against this encroachment of Communist aggression." ("A Chronology of the Administration's Policy on Indo-China", The New York Times, 04.05.1954, https://timesmachine.nytimes.com/timesmachine/1954/05/04/84119757.html?pageNumber=4 (accessed on 28 May 2022))</p> <p>"March 29, 1954: Secretary Dulles to the Overseas Press Club of America in New York: [...] the imposition on Southeast Asia of the political system of Communist Russia and its Chinese Communist ally, by whatever means, would be a grave threat to the whole free community. The United States feels that that possibility should not be passively accepted, but should be met by united action." ("A Chronology of the Administration's Policy on Indo-China", The New York Times, 04.05.1954, https://timesmachine.nytimes.com/timesmachine/1954/05/04/84119757.html?pageNumber=4 (accessed on 28 May 2022))</p> <p>"April 15, 1954: Admiral W. Radford, Chairman of the Joint Chiefs of Staff, to the American Society of Newspaper Editors: The free nations cannot afford to permit a further extension of the power of militant communism in Asia. In the interests of preventing aggression, full advantage should be taken of the fact that non-Communist Asia has a considerable potential for development of defensive military forces *** it's (Indo-China's) loss would be prelude to the loss of all Southeast Asia and a threat to a far wider area." ("A Chronology of the Administration's Policy on Indo-China", The New York Times, 04.05.1954, https://timesmachine.nytimes.com/timesmachine/1954/05/04/84119757.html?pageNumber=4 (accessed on 28 May 2022))</p> <p>"April 26, 1954: President Eisenhower to the United States Chamber of Commerce: No matter how the struggle [in Indo-China] may have started, it has long since become one of the testing places between a free form of government and dictatorship. Its outcome is going to have the greatest significance for us, and possibly for a long time into the future." ("A Chronology of the Administration's Policy on Indo-China", The New York Times, 04.05.1954, https://timesmachine.nytimes.com/timesmachine/1954/05/04/84119757.html?pageNumber=4 (accessed on 28 May 2022))</p> <p>"April 29, 1954: President Eisenhower to his news conference: The President replied that we were steering a course between two extremes, one of which, he would say, would be unattainable, and the other would be unacceptable, It wouldn't be acceptable, he thought, to see the whole anti-communistic defense of that area crumble and disappear." ("A Chronology of the Administration's Policy on Indo-China", The New York Times, 04.05.1954, https://timesmachine.nytimes.com/timesmachine/1954/05/04/84119757.html?pageNumber=4 (accessed on 28 May 2022))</p>
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	<p>“The United States, in particular, characterized the war as involving aggression linked to the Soviet Union and the PRC. (...). Even the United States, however, was unwilling to commit its own armed forces.” (Weisburd, Use of Force: The Practice of States since World War II, 1997, p. 68)</p> <p><i>### United States stated that military involvement is possible at first, but ultimately did not get involved with military forces on the ground, but rather with material support to the French ###</i></p> <p>“In 1950, France officially asked the United States for assistance in the war. Within four years the United States would be funding 80 percent of the French war costs.” (Sarkees and Wayman, Resort to War: 1816 – 2007, 2010, p.66)</p> <p>“September 2, 1953: Secretary Dulles to the American Legion convention: “Communist China has been and now is training, equipping and supplying the Communist forces in Indo-China. There is the risk that, as in Korea, Red China might send its own army into Indo-China. The Chinese regime should realize that such a second aggression could not occur without grave consequences which might not be confined to Indo-China. I say this soberly in the interest of peace and in the hope of preventing another aggression miscalculation.” (“A Chronology of the Administration’s Policy on Indo-China”, The New York Times, 04.05.1954, https://www.nytimes.com/1954/05/04/archives/a-chronology-of-the-administrations-policy-on-indochina.html (accessed on 28 May 2022))</p> <p>“February 2, 1954: Secretary of Defense Wilson to a news conference: I would think that a military victory would be perhaps both possible and probable.” (“A Chronology of the Administration's Policy on Indo-China”, The New York Times, 04.05.1954, https://timesmachine.nytimes.com/timesmachine/1954/05/04/84119757.html?pageNumber=4 (accessed on 28 May 2022))</p> <p>“February 10, 1954: President Eisenhower before his news conference: [...] “no one could be more bitterly opposed in ever getting the United States involved in a hot war in that region that I am.” [...] Mr. Eisenhower [...] could not conceive of a greater tragedy for America than to get heavily involved now in an all out war in any of those regions, particularly with large units.” (“A Chronology of the Administration's Policy on Indo-China”, The New York Times, 04.05.1954, https://timesmachine.nytimes.com/timesmachine/1954/05/04/84119757.html?pageNumber=4 (accessed on 28 May 2022))</p> <p>“March 10, 1954: President Eisenhower at his press and radio conference: ‘there is going to be no involvement of America in war unless it is a result of the Constitutional process that is placed upon Congress to declared it.’ (“A Chronology of the Administration's Policy on Indo-China”, The New York Times, 04.05.1954, https://timesmachine.nytimes.com/timesmachine/1954/05/04/84119757.html?pageNumber=4 (accessed on 28 May 2022))</p> <p>“April 16, 1954: Vice President Nixon in a background talk to the American Society of Newspaper Editors: Q. If the French pulled out of Indo-China, what should the United States do? A. [...] Indo-China would become Communist in a month. [...] The United States as a leader of the free world could not afford further retreat in Asia. It was hoped that the United States would not have</p>
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	<p>to send troops there, but if this Government could not avoid it, the Administration must face up to the situation and dispatch forces." ("A Chronology of the Administration's Policy on Indo-China", The New York Times, 04.05.1954, https://timesmachine.nytimes.com/timesmachine/1954/05/04/84119757.html?pageNumber=4 (accessed on 28 May 2022))</p> <p>"President Eisenhower refused to drop nuclear weapons as part of the decision to limit the American role in the conflict to pushing for a partition of Vietnam into a communist North and a non-communist South and to providing financial and military aid to the latter. Throughout the war, the DRV's leaders followed increasingly communist goals. The USA hence supported France and the Republic of Vietnam in their fight against the DRV." (Cable, The Geneva Conference of 1954 on Indochina, 1986, p. 10)</p> <p><i>### Statements given at the Geneva Conference:</i></p> <p>"In the spring of 1954 Secretary of States Dulles called for "united action" to prevent Russian and Chinese from imposing themselves in Indochina and attempted to form an anti-Communist alliance to protect the Associated States. However, the proposed members France, Australia, and the United Kingdom rejected the idea." (Weisburd, Use of Force: The Practice of States since World War II, 1997, p. 67)</p> <p>"The Geneva participants (each of the Associated States, the Viet Minh [now the Democratic Republic of Vietnam, or DRV], France, the United Kingdom, the Soviet Union, the PRC, and the United States) produced an agreement. Under the Geneva Accords (which the United States and the "State of Vietnam" refused to sign) fighting was to stop and Vietnam was to be divided at the seventeenth parallel until national elections were held to reunify the country in 1956." (Weisburd, Use of Force: The Practice of States since World War II, 1997, p. 67)</p>
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3. Third Franco-Madagascan War 1947-1948

Key data

Duration: 29.03.1947 – 01.12.1948; Parties: France vs. Madagascar; Initiator: Madagascar.

220 France

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	### It appears that International Law did not play any role in this conflict whatsoever. Due to the deliberately ambiguous position of the Malagasy rebel factions and the veil of silence cast by the French part on the military operations, it seems all but impossible to determine positions of the parties to this conflict relating to the use of armed force. What little public debate that was received in historical research focuses largely on the political debate on independence and the criminal prosecution of MDRM leaders under French law. Additionally, it appears that there was little to no debate on the matter on the international stage. Our research suggests that there is not much to be

							<i>found on the conflict that could be relevant from the viewpoint of jus ad bellum or even International Law in general. ###</i>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	

580 Madagascar (Malagasy resistance)

	Code
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Law invoked?	2 No
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh							

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	

4. First Kashmir War 1947-1949

Key data

Duration: 26.10.1947 – 01.01.1949; Parties: India vs. Pakistan; Initiator: India.

770 Pakistan

	Code
Law invoked?	2 No

1. 1 Justificatory claim	2. Source of law	Contestation about					Material
		3. facts	4. interpretation	5. exceptional circumstances	6. abstr. gen. level	7. validity	
0	0	0	0	0	0	0	<p>“I have received your telegrams, including that of 29 October, to which I replied. The position is that Sikh attacks on Muslims in East Punjab in August greatly inflamed feeling throughout Pakistan and it was only with greatest difficulty that Pathan tribes were prevented from entering West Punjab to take revenge on Hindus and Sikhs. In Poonch, Muslims were attacked, and those in Jammu massacred by mobs led by Kashmir State forces, and when it was evident that there was to be a repetition in Kashmir of what had happened in East Punjab, it became impossible wholly to</p>

						<p>prevent tribes from entering that State without using troops who would have created a situation on the frontier that might well have got out of control.” (S.PV.228, 16 January 1948, p. 85)</p> <p>“The Prime Minister of Pakistan has said, again: ‘Kashmiri, and especially the inhabitants of Poonch, have many relatives in Hazara and in the West Punjab. Consequently, feelings in certain parts of Pakistan rose very high, and some people from the North West Frontier Province and the tribal areas, stirred by the atrocities in Kashmir, rushed to the aid of their brethren” (S.PV.227, 15 January 1948, p. 25)</p> <p>“The allegation made by the Indian Government that the Pakistan Government is affording aid and assistance to the Azai Kashmir forces, or that these forces have bases in Pakistan territories, or that these forces are being trained by Pakistan officers, or are being supplied with arms or material by the Pakistan Government are utterly unfounded.” (S/646, Letter of 15 January 1948, p.7)</p> <p>“The Pakistan Government emphatically repudiate the charge that they have supplied military equipment, transport and supplies to the 'Invaders' or that Pakistan officers are training, guiding and otherwise helping them.” (S/646, Letter of 15 January 1948, p.22)</p> <p><i>### FK: The United Nations Commission on India and Pakistan issued a supplement to UNSC Resolution 47 on 13 August 1948 (cited in S/1100 at para. 75). Therein (Part II. A), the presence of Pakistani was affirmed as a change of circumstances with regard to the former situation discussed by the UNSC in January and February.</i></p> <p><i>The official stand point of Pakistan was that it did not have any troops present in Kashmir. This position was reiterated commonly and never officially revoked. The informal protocol cited here does not reach the threshold we require to an official position with regard to the invocation of the law.###</i></p> <p>“Sir Mohammed Yafurullah Khan [foreign secretary] stated that three main reasons had motivated the entry of Pakistan troops into Kashmir: 1) protection of the territory of Pakistan from possible aggression by Indian forces; 2) prevention of a fait accompli in Kashmir by the Indian Government and 3) prevention of the influx of refugees into Pakistan.” (UN Commission for India and Pakistan, S/1100, 9 November 1948, p. 19, para. 51; see also Annex 8 to S/1100, p.4)</p> <p>“Mr. MOHAMMED ALI observed that the Pakistan troops had gone into Kashmir because had they not done so the Indian troops would have taken possession of the whole State, bringing about a fait accompli. An additional reason was to prevent the flooding of the border region by refugees. Sir MOHAMED stated that the Pakistan troops had moved into Kashmir early in May for three reasons: 1) to protect the territory of Pakistan from possible aggression by Indian forces, 2) to prevent a fait</p>
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							accompli in Kashmir by the Indian Government, and 3) to prevent the influx of refugees into Pakistan. The exodus of refugees from Kashmir had already created grave economic problems and placed Pakistan in an unfavourable position in connection with the proposed plebiscite." (Annex 8 to S/1100, 9 November 1948, p.4)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
1 yes	4 no spec.	"On the contrary, armed bands from the State have repeatedly carried out incursions and raids into Pakistan territory and the air force of the Indian Union has on several occasions bombed Pakistan areas causing loss of life and damage to property. Protests made by the Pakistan Government of India have passed unheeded. Attacks by units of the Indian Air Force over Pakistan territory have been described as due to errors of judgement. These attacks still continue. (...) The Pakistan Government request the Security Council: To call upon the government of India. (a) to desist from acts of aggression against Pakistan;" (S/646, Letter of 15 January 1948, p.7)

	Code	Material
5. Legitimacy Claim	0	<p>[Assisting liberation struggle]</p> <p>"The territory of the State was purchased by the great grandfather of the present Ruler from the East India Company in 1846 for 7,5 million rupees and ever since the Muslim population of this State has been oppressed and exploited by its Hindu Dogra Rulers. On several occasions the Muslim population has risen in rebellion against its oppressors, but these risings have always been mercilessly suppressed." (S/646, Letter of 15 January 1948, p.6)</p> <p>"If the India Government is honestly and genuinely desirous of fair and peaceful settlement of the Kashmir question they should immediately agree that fighting must cease and not take shelter behind the slogan that the raiders must be driven out. It is not the so-called raiders, but the people of Kashmir, who are fighting against heavy odds to end Dogra tyranny and to prevent Kashmir from falling into the hands of the India Dominion." (Telegram of the Prime Minister of Pakistan of 24 November 1947, S/PV.229, 17 January 1948, p. 96)</p> <p>[Humanitarian]</p> <p>"In order to carry this plan into effect massacres of the Muslim population of the State by armed bands of Sikhs and Hindus and</p>

		<p>by the forces of Maharajah were started in the latter half of September and provoked risings of the Muslim population in different parts of the State. The tragic events and the happenings in East Punjab and the Sikh and Hindu States in and around the Province had convinced the Muslim population of Kashmir and Jammu State that the accession to the State of the Indian Union would be tantamount to the signing of their death warrant. (...) In the meantime the Muslim population of the State are being subjected to an intensified campaign of persecution and oppression in areas which are in the occupation of the Indian forces.” (S/646, Letter of 15 January 1948, p.6)</p> <p>[Humanitarian/Anti-colonial] “Kashmir provides the culminating illustration of the hostility of the India Government to Muslims and Pakistan and their determination to satisfy their imperialistic ambition of rule over the entire sub-continent by fascist tactics and use of naked force. (...) Nearly 80 per cent of the population of the State is Muslim but the administration, civil and military, is almost entirely in the hands of non-Muslims. The administration has been notoriously oppressive and retrograde and the Muslim population has been kept in a state of abject poverty and misery.” (S/646, Letter of 15 January 1948, p.18)</p> <p>“The Pakistan Government have not accepted and cannot accept the accession of Jammu and Kashmir State to India. In their view the accession is based on violence and fraud. It was fraudulent inasmuch as it was achieved by deliberately creating a set of circumstances with the object of finding an excuse to stage the ‘accession’.” (S/646, Letter of 15 January 1948, p.18)</p> <p>“The events following the forcible occupation of the State by the Indian troops more than confirmed the worst fears of the Muslims. Massacres, atrocities and crimes against women, were now committed on a scale surpassing anything which the Maharajah’s forces had previously perpetrated.” (S/646, Letter of 15 January 1948, p.21)</p>
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	Code	Material
6. UNSC Reaction	3 unclear	<p>“Calls upon both the Government of India and the Government of Pakistan to take immediately all measures within their power including public appeals to their people calculated to improve the situation and to refrain from making statements and from doing or causing to be done or permitting any acts which might aggravate the situation” (UNSC Res 38, 17 January 1948, S/651)</p> <p>“Recommends to the Government of India and Pakistan the following measures as those which in the opinion of the Council are appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India and Pakistan; (...) “1. The Government of Pakistan should undertake to use its best endeavours: (a) to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting and to prevent any intrusion into the State of such elements and any furnishing of material aid to those fighting in the State; (...) 2. The Government of India should: (a) when it is established to the satisfaction of the Commission set up in accordance with the Council’s resolution 39 (1948) that the tribesmen are withdrawing and that arrangements for the cessation of the fighting have become effective, put into operation in consultation with the Commission a plan for withdrawing their own forces from Jammu and Kashmir and</p>

		reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of law and order; “ (UNSC Res 47, 21 April 1948, S/726)
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	### <i>Jadhav case (instituted 2017) deals with Consular relations. Aerial Incident of 10 August 1999 (Pakistan v. India) was never decided. Trial of Pakistani Prisoners of War (Pakistan v. India) of 1973 was delisted before written proceedings. Appeal Relating to the Jurisdiction of the ICAO Council (India v. Pakistan) (1972) concerned the suspension of overflight rights by India for Pakistani aircraft. ###</i>
9. State Reaction	3 unclear	<p>Argentina: “In these circumstances, the Argentine delegation would be obliged to consider as an aggressor either of the two States, India or Pakistan, which adopted an attitude of this nature, and to act accordingly. I think this warning, even coming from a State which is not a permanent member of the Council, should have some influence on the attitude of the Governments of India and Pakistan, which have recently been admitted to the United Nations and enjoy the pleasant illusion of being described as ‘peace-loving peoples ‘.” (Statement Ambassador Arce, S.PV.229, 17 January 1948, p.124)</p> <p>United Kingdom: “I think they cannot start on that task too soon, and I wish to propose that the President should now invite the two delegations to meet over the week-end, presided over by the President himself, and that under his guidance they should try to find, as from now, some common ground on which the structure of a settlement may be built.” (Statement Ambassador Baker, S.PV.229, 17 January 1948, p.125)</p> <p>USA: “The United States delegation wishes to support the proposal of the United Kingdom representative that the parties seek a solution of their dispute by negotiation.” (Statement Ambassador Austin, S.PV.229, 17 January 1948, p.126)</p> <p>France: “The resolution shows the loyalty to the principles of the Charter which animates the representatives of India and Pakistan and their desire to settle their differences peaceably.” (Statement Ambassador Tournelle, S.PV.230, 20 January 1948, p. 135)</p> <p>Syria: “I should like to join the members who have already spoken in express Pakistan appreciation of the goodwill exhibited by both parties in an attempt to reach a peaceful and amicable solution of the dispute between them.” (Statement Ambassador El-Khoury, S.PV.230, 20 January 1948, p. 136)</p>

750 India

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self defence	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<p>“Under Article 35 of the Charter of the United Nations, any member May bring any situation, whose continuance is likely to endanger the maintenance of international peace and security to the attention of the Security Council. Such a situation now exists between India and Pakistan owing to the aid which invaders, consisting of nationals of Pakistan and of tribesmen from the territory immediately adjoining Pakistan on the north-west, are drawing from Pakistan for operations against Jammu and Kashmir, a State which has acceded to the Dominion of India and is part of India. The circumstances of accession, the activities of the invaders which led the government of India to take military action against them and the assistance with attackers have received and are still receiving from Pakistan are explained alter in this memorandum. The Government of India request the Security Council to call upon Pakistan to put an end immediately to the giving of such assistance which is an act of aggression against India. If Pakistan does not do so, the Government of India may be compelled, in self-defense, to enter Pakistan territory, in order to take military action against the invaders. (...) The intervention of the Government of India resulted in saving Srinagar. (...) It should be clear form the foregoing recital the Government of Pakistan are unwilling to stop the assistance in material and men which the invaders are receiving form Pakistan territory and form Pakistan nationals including Pakistan Government personnel, both military and civil. This attitude is not only unneutral, but constitutes active aggression against India, of the State of Jammu and Kashmir forms a part. (...) Since the aid which the invaders are receiving from Pakistan is an act of aggression against India, the Government of India are entitled, under International Law, to send</p>

						<p>their armed forces across Pakistan territory for dealing effectively with the invaders.” (S/628, Letter of 1 January 1948, p.1)</p> <p>“India came into the picture of the present developments on Kashmir only on the eve of signing the instrument of accession. Since then, we have come to know of the pressure which had been exercised by Pakistan for obtaining the accession of the State. Side by side with economic strangulation of Kashmir by stoppage of supplies, raids and armed activity began to take place from West Punjab on the territory of Jammu and Kashmir State.” (S/PV.227, 15 January 1948, p. 14)</p> <p>“Pakistan soldiers, both regular and irregular, are equally engaged in acts of aggression.” (...) “In any case, we should retain the right to plant garrisons on the western, or any other, vulnerable frontier of the State to protect it from any recrudescence of aggression.” (S/PV.304, 26 May 1948), p.4)</p> <p>“The invaders are still on the soil of Jammu and Kashmir and the inhabitants of the State are exposed to all the atrocities of which a barbarous foe is capable. The presence, in large numbers of invaders in those portions of Pakistan territory which adjoin parts of Indian territory other than the Jammu and Kashmir State is a menace to the rest of India. Indefinite continuance of the present operations prolongs the agony of the people of Jammu and Kashmir, is a drain on India’s resources and a constant threat to the maintenance of peace between India and Pakistan. The Government of India have no option, therefore but to take more effective military action in order to rid the Jammu and Kashmir State of the invader.” (S/628, Letter of 1 January 1948, p. 5)</p>
Letter sent in accordance with Art. 51 UNCh	1 yes (S/628, Letter of 1 January 1948, p.1)					

4. Invocation of use of force by a victim state	.1 Source	Material
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5. Legitimacy Claim	Code	Material
5.1.	1 enable self determination	<p>“Are we making any unreasonable demands when we ask our neighbouring State of Pakistan to discharge its neighbourly duties? We desire only to see peace restored in Kashmir and to ensure that the people of Kashmir are left free to decide in an orderly and peaceful manner the future of their State. We have no further interest, and we have agreed that a plebiscite in Kashmir might take place under international auspices after peace and order have been established.” (Statement Ambassador Ayyangar, S/PV.227, 15 January 1948, p. 28)</p>
5.2.	2 maintenance of law and order	<p>“Since the United Nations have no forces at their disposal, we do not see how they can put a stop to fighting or to alleged repression of Muslims. This can only be done by an organized military force, and is being done by our troops. The fighting would also stop as soon as raiders were made to withdraw, and I have repeatedly asked your co-operation in stopping transit and supplies to raiders through Pakistan territory.” (Telegram Prime Minister of India to Prime Minister of Pakistan of 21 November 1947, S/PV.229, 17 January 1948)</p> <p>“It is therefore not possible for us to withdraw our troops or reduce their strength until all the intruders have actually withdrawn from the State, and even then we shall have to retain the minimum number of troops needed not only for the maintenance of law and order but also for the legitimate defence needs of the State.” (Statement Ambassador Pillai, S/PV.304, 26 May 1948, p.4)</p>
5.3	11 support by local authorities	<p>“On 26 October the Ruler of the State, His Highness Maharaja Sir Hari Singh, appealed urgently to the Government of India for military help. He also requested that the Jammu and Kashmir State should be allowed to accede to the Indian Dominion. An appeal for help was also simultaneously received by the government of India from the largest popular organization in Kashmir, the National Conference headed by Sheikh Mohamed Abdullah. (...) The Government of India were thus approached, not only officially by the State authorities, but also on behalf of the people of Kashmir, both for military aid and for accession to the State of India.” (S/628, Letter of 1 January 1948, p. 3)</p> <p>“In this situation the Maharaja of Kashmir approached the Government of India for military aid and addressed a letter from Jammu dated 26 October 1947 to the Governor-General, Lord Mountbatten: (...) With the conditions obtaining at present in my State and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian Dominion. Naturally they cannot send the help asked for by me without my State acceding to the Dominion of India. I have accordingly decided to do so, and I attach the instrument of accession for acceptance by your Government. (...) Meanwhile, in response to Your Highness's appeal for military aid, action has been taken today to send troops of the Indian Army to Kashmir to help your own forces to defend your territory and to protect the lives, property and honour of your people. (...) Pakistan officers are</p>

		training, guiding or otherwise actively helping the raiders and are being allowed to use Pakistan territory as a base for operations” (Statement Ambassador Ayyangar, S/PV.227, 15 January 1948, p. 17-18)
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	Code	Material
6. UNSC Reaction	3 unclear	<p>“Calls upon both the Government of India and the Government of Pakistan to take immediately all measures within their power including public appeals to their people calculated to improve the situation and to refrain from making statements and from doing or causing to be done or permitting any acts which might aggravate the situation” (UNSC Res 38, 17 January 1948, S/651)</p> <p>“Recommends to the Government of India and Pakistan the following measures as those which in the opinion of the Council are appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India and Pakistan; [...] 1. The Government of Pakistan should undertake to use its best endeavours: (a) to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting and to prevent any intrusion into the State of such elements and any furnishing of material aid to those fighting in the State; 2. The Government of India should: (a) when it is established to the satisfaction of the Commission set up in accordance with the Council’s resolution 39 (1948) that the tribesmen are withdrawing and that arrangements for the cessation of the fighting have become effective, put into operation in consultation with the Commission a plan for withdrawing their own forces from Jammu and Kashmir and reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of law and order; “ (UNSC Res 47, 21 April 1948, S/726)</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	<i>See Pakistan 8</i>
9. State Reaction	3 unclear	<p>Pakistan:</p> <p>“While the particulars of Pakistan's case are set out in Document III, the Pakistan Government emphatically deny that they are giving aid and assistance to the so-called invaders or have committed any act of aggression against India. On the contrary and solely with the object of maintaining friendly relations between the two Dominions the Pakistan Government have continued to do all in their power to discourage the tribal movement by all means short of war. (...) That India obtained the accession of the State of Jammu and Kashmir by fraud and violence and that large scale massacre and looting of atrocities on the Muslims of Jammu and Kashmir State have been perpetrated by the armed forces of the Maharaja of Jammu and Kashmir and the Indian Union and by the non-Muslim subjects of the Maharajah and of the Indian Union.” (S/646, Letter of 15 January 1948)</p> <p>“I shall presently be able to show that all of these people within the Kashmir territory itself, sixty thousand to seventy thousand in Poonch alone, who had been fighting in the forces of the United Nations, upon their demobilization were permitted to retain their uniforms and their badges. Therefore, that in itself is a good enough explanation. But equipment of that kind, namely, clothes and so on, after the end of a war such as the one through which the world has recently gone, and all sorts of military</p>

	<p>stores, arms and ammunition, are in certain areas of the world floating about loose, and a good deal of illicit traffic in them is going on. (...) In the first place these people may have those supplies legitimately because large numbers of them have been in the armed forces and upon demobilization they were allowed to retain those articles. These people may have obtained those articles illegitimately." (S/PV.229, 17 January 1948, p. 107)</p> <p>Argentina: "In these circumstances, the Argentine delegation would be obliged to consider as an aggressor either of the two States, India or Pakistan, which adopted an attitude of this nature, and to act accordingly. I think this warning, even coming from a State which is not a permanent member of the Council, should have some influence on the attitude of the Governments of India and Pakistan, which have recently been admitted to the United Nations and enjoy the pleasant illusion of being described as 'peace-loving peoples'." (Statement Ambassador Arce, S/PV.229, 17 January 1948, p.124)</p>
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5. Arab Israeli War 1948-1949

Key data

Duration: 15.05.1948 – 07.01.1949; Parties: Israel vs. Jordan, Iraq, Egypt, Lebanon, Syria; Initiator: Jordan.

666 Israel

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>“I had the honour yesterday afternoon to submit for your information a cable received by the Jewish Agency in New York from our Executive in Palestine, a copy of which I enclose, regarding the attack launched on the block of Jewish settlements at Kfar Etzion by the Arab Legion.” (S/744, Letter of Jewish Agency of 15 May 1948)</p> <p>“The very idea that the intervention of armed forces of Egypt in Palestine would lead to the restoration of order is grotesque. Imaginary atrocities are enumerated in the document from</p>

						<p>the Egyptian Minister of Foreign Affairs, and the fact that the Jewish population has been defending itself against attack is brought to its door as an act which must be put down by the armed forces of a neighbour. (.) Apparently the same is to be applied to the Jews of Palestine. They have beaten off attacks by defensive means alone-but even that, they should not have done until they have been struck dead. The second item of information to be brought to the attention of the Security Council is the act of aggression which was committed by Egyptian forces this morning. (...) The Jewish Agency for Palestine is convinced that the provisions of the Charter relating to the threat or use of force in international relations are directly relevant to the circumstances which I have described. (...) It is our submission that all these facts are sufficient to enable the Security Council to determine the existence of a threat to the peace, breach of the peace, and acts of aggression. We respectfully request that the Security Council should proceed to determine and decide on the measures provided by the Charter to meet the situation and to restore peace and security. (...) The State of Israel has now been established within Palestine. It will defend itself from this wanton and unprovoked aggression." (Ambassador Eliash, S/PV.292, 15 May 1948, p.6)</p> <p>"There is no need for me to repeat the view which we previously expressed that the evidence of a breach of the peace and indeed of aggression is firmly established, both by the current facts and by the confession of the attackers." (Ambassador Eban, S/PV.302, 22 May 1948, p. 34)</p>
Letter sent in accordance with Art. 51 UNCh	2 no	### Letter S/744 of 15 May 1948 only asks for the UNSC to hold a special meeting. ###				

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	[Historical Perspective] "In the first place, the President of the Security Council has received a document from the Egyptian Minister of Foreign Affairs. Members of the Security Council will notice that this document is couched in the most violent and vulgar terms, which forcibly remind one of similar pronouncements made by Hitler and other aggressors in the past as a pretext for justifying the very act of aggression which they thus endeavored to mask as a noble act of saving victims of imaginary persecution." (Ambassador Eliash, S/PV.292, 15 May 1948, p.6)
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	Code	Material
6. UNSC Reaction	3 unclear	"Taking into consideration that previous resolutions of the Security Council in respect to Palestine have not been complied with and that military operations are taking place in Palestine, 1. Calls upon all Governments and authorities, without prejudice to the rights, claims or positions of the parties concerned, to abstain from any hostile military action in Palestine and to that end to issue a cease-fire order to their military and paramilitary forces to become effective within thirty-six hours after midnight New York standard time on 22 May 1948;" (UNSC, Res 49, 22 May 1948, S/773)
7. UNGA Reaction	3 unclear	"I. Decides In Relation to Jerusalem, Believing that the principles underlying its previous resolutions concerning this matter in particular its resolution of 29 November 1947, represent a just and equitable settlement of the question, (...) II. Calls upon the States concerned to make formal undertakings at an early date and in the light of their obligations as Members of the United Nations, that they will approach these matters with good will and be guided by the terms of the present resolution." (UNGA Res 303 (IV), 9 December 1949)
8. ICJ Reaction	4 no reaction	### The ICJ Wall Advisory Opinion only touches upon the 1967 war (in para. 72 and 73). The 1948-49 war is only mentioned without further consideration. ###
9. State Reaction	3 unclear	Soviet Union: "The United Kingdom asks us to adopt a resolution which would ensure the application of sanctions against the new Jewish State, which is the victim of aggression." (Ambassador Gromyko, S.PV.309, 29 May 1948, p. 6)

651 Egypt

	Code
Law invoked?	2 No

1.1 Justificatory claim	2 3 4 5 6 7 8 9 10	Contestation about	Material
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		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### The law was not invoked. However, the states did not ignore the law. Rather, they did not see the law against force to be applicable. ###</p> <p>“The Royal Egyptian Government wish to assert that their armed intervention in Palestine is not directed against Palestine Jews but is against the terrorist Zionist gangs and that this intervention has no other object in view except the restoration of security and order to Palestine particularly after the British Mandate has ended, and until a just and equitable solution is reached.” (S/743, Letter of 15 May 1948)</p> <p>“I have a small surprise, perhaps, for everyone seated at the Security Council table. There has been aggression; there has been an invasion. But the surprise ends there because I state and affirm that that aggression and that invasion have been perpetrated and are continuing to be perpetrated by world Zionism. World Zionism is working against peace in the Middle East, it is trying to nip in the bud the life of the new State of Palestine, which covers the whole of Palestine. What Egypt and the other Arab States are accomplishing in Palestine is a healthy, sane and orderly police act, not a political act.” (Ambassador Fawzi, S/PV.302, 22 May 1948, p. 47)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
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0	0	
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5. Legitimacy Claim	Code	Material
5.1.	2 maintenance of law and order	<p>"We have just heard read the cablegram addressed to the President of the Security Council by the Foreign Minister of Egypt. For the moment, I have very little to add to it which would not be a mere repetition of what I have said previously to the Security Council. I would, therefore, only remind the members now that a house contiguous to ours is burning, the fire is rapidly spreading, and Egypt has both the right and the duty to put that fire out." (Ambassador Fawzi, S.PV.292, 15 May 1948, p.4)</p> <p>"I have said at least once that we are in the position of a person whose house is next to another house which is burning. In that case, I repeat, one has both the right and the duty to put out that fire. If one is not thanked for that, the least one could expect is not to be blamed for it." (Ambassador Fawzi, S.PV.292, 15 May 1948, p.25)</p> <p>"I have lived long enough in New York and in the United States to know that when there is a disturbance of order, or when there is a fire somewhere, the fire department or the police do not go to the spot carrying bouquets. They go there carrying the necessary means to put the fire out or with the necessary means to re-establish order." (Ambassador Fawzi, S/PV.302, 22 May 1948, p. 47)</p> <p>"The Royal Egyptian Government declare, now that the British Mandate in Palestine has ended, that Egyptian armed forces have started to enter Palestine to establish security and order in place of chaos and disorder which prevailed and which rendered the country at the mercy of Zionist terrorist gangs who persisted in attacking the peaceful Arab inhabitants, with arms and equipments amassed by them for that purpose. Horrible crimes, revolting to the conscience of humanity, have been perpetrated by these Zionist gangs. Arab women have been assaulted, pregnant women's stomachs ripped open, children killed before the very eyes of their mothers and prisoners tortured and then brutally murdered. (...) The Royal Egyptian Government cannot, in face of these brutal crimes against humanity in a contiguous country and against the Arabs of Palestine who are strongly bound by many ties to the people of neighbouring Arab States, remain inactive. They deem it their bounden duties a Government of an Arab State and a civilized nation to intervene in Palestine with the object of putting an end to the massacres raging there and upholding law and principles recognized among the United Nations. The Royal Egyptian Government wish to assert that their armed intervention in Palestine is not directed against Palestine Jews but is against the terrorist Zionist gangs and that this intervention has no other object in view except the restoration of security and order to Palestine particularly after the British Mandate has ended, and until a just and equitable solution is reached." (S/743, Letter of 15 May 1948)</p>

5.2.	5 humanitarian	<p>“The Royal Egyptian Government declare, now that the British Mandate in Palestine has ended, that Egyptian armed forces have started to enter Palestine to establish security and order in place of chaos and disorder which prevailed and which rendered the country at the mercy of Zionist terrorist gangs who persisted in attacking the peaceful Arab inhabitants, with arms and equipments amassed by them for that purpose. Horrible crimes, revolting to the conscience of humanity, have been perpetrated by these Zionist gangs. Arab women have been assaulted, pregnant women's stomachs ripped open, children killed before the very eyes of their mothers and prisoners tortured and then brutally murdered.” (S/743, Letter of 15 May 1948)</p> <p>“The Royal Egyptian Government cannot, in face of these brutal crimes against humanity in a contiguous country and against the Arabs of Palestine who are strongly bound by many ties to the people of neighbouring Arab States, remain inactive.” (S/743, Letter of 15 May 1948)</p>
5.3.	1 enabling self-determination	<p>“The Royal Egyptian Government wish to assert that their armed intervention in Palestine is not directed against Palestine Jews but is against the terrorist Zionist gangs and that this intervention has no other object in view except the restoration of security and order to Palestine particularity after the British Mandate has ended, and until a just and equitable solution is reached.” (S/743, Letter of 15 May 1948)</p> <p>“Their independence was never completely obliterated. The least we can say of it is that they were in some sort of dormant sovereignty. Now that the Mandate is over, the only thing that is clear is that the sovereignty over Palestine naturally goes back to the lawful people of Palestine.” (Ambassador Fawzi, S/PV.292, 15 May 1948, p.25)</p>
5.4.	6 defence against ideology	<p>“I have a small surprise, perhaps, for everyone seated at the Security Council table. There has been aggression; there has been an invasion. But the surprise ends there because I state and affirm that that aggression and that invasion have been perpetrated and are continuing to be perpetrated by world Zionism. World Zionism is working against peace in the Middle East, it is trying to nip in the bud the life of the new State of Palestine, which covers the whole of Palestine. What Egypt and the other Arab States are accomplishing in Palestine is a healthy, sane and orderly police act, not a political act.” (Ambassador Fawzi, S/PV.302, 22 May 1948, p. 47)</p>

	Code	Material
6. UNSC Reaction	3 unclear	<i>See Israel 6</i>
7. UNGA Reaction	3 unclear	<i>See Israel 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Ukraine: “What does the Government of Egypt consider to be its objective in invading Palestine? At the end of the declaration by Egypt, the assertion was made that the intervention has no other object in view than the restoration of security and order to Palestine. It is known, however, that according to the rules of the international community, each Government has the right to restore order only in its own country.” (Ambassador Tarasenko, S/PV.292, 15 May 1948, p.25)</p> <p>Israel:</p>

	<p>“We can search the pages of this Charter in vain for any single word which entitles the armed forces of Egypt, or of any other State, to burst into adjoining territory in the role of a self-appointed fire extinguisher.(....) In a political controversy a breach of the Charter does not become justified merely by strong convictions. Whether the legal contentions advanced by the Syrian or Egyptian representatives are correct or false, they cannot entitle those States or any other States to use armed force outside the strict limitations of the Charter” (Ambassador Eban, S/PV.296,19 May 1948, p. 14)</p> <p>USA: “I think we cannot ignore the international character of this breach of the peace. Probably the most important and the best evidence we have on that subject is contained in the admissions of the countries whose five armies have invaded Palestine that they are carrying on a war. Their statements are the best evidence we have of the international character of this aggression.” (Ambassador Austin, S/PV.302, 22 May 1948, p. 41)</p> <p>Saudi Arabia: “The Arabs in their present position are no more than defendant against unhuman Zionist aggression which surpassed the bitterest aggression in humanitarian history.” (S/783, Letter of 15 May 1948)</p>
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652 Syria

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
9 non-applicability of the prohibition on the use of force	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	“We explained very clearly that we were there at the application of the majority of the people of Palestine, a country which has no international status to enable it to be considered as another State of the Arab States, so that entering it could not be considered as an act of aggression or a threat to

						<p>peace. In our replies, we stated very clearly that we are in the country at the invitation of the people; that we were there because of their insistent requests and that, at the same time, we were on Arab territory, and not on any other territory.” (Ambassador El-Khouri, S.PV.302, 22 May 1948, p. 48)</p> <p>“On what basis is it claimed that such forces are entitled to enter? [Question posed by UNSC] On the basis of considering Palestine an Arab territory linked with Syria and with the other Arab countries around it by all social, economic, political, racial, geographical, linguistic and traditional inseparable links. Palestine is also an associate member in the Arab League which is a regional arrangement obliged to settle disputes within its area. The prevailing anarchy in Palestine reacted gravely on the security and order in Syria, especially when enormous hordes of destitute refugees flooded into Syria seeking refuge. Furthermore, the majority of the inhabitants of Palestine, which is the only legitimate organ in Palestine entitled to assume directive authority in the country after the termination of the Mandate, requested our military help. If we do not respond to this appeal the surviving Arabs in and out of the area coveted by the Zionists to be their own will be condemned to annihilation.” (S/768, Letter of 18 May 1948)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
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5.1	2 maintenance of law and order	<p>“If so, where are such forces now located and under what command are they operating and what are their military objectives? [Question posed by UNSC] They are now located in the village of Samakh south of Lake Tiberias (an Arab Village). They are under the Syrian commands. Their military objectives are to restore law and order to help their brethren the Arabs of Palestine, in suppressing the armed insurrection of the Zionist bands of terrorists, to repatriate the Arab refugees amounting now to a quarter of a million, expelled from their homes of Tiberias Safad, Akka, Haifa, Jaffa and other towns and villages to enable the people of Palestine to establish a democratic regime for the future Government comprising all its population after putting an end to the state of anarchy now prevailing in Palestine. These operations are not directed against the Jews of Palestine but against the armed insurrection of the Zionist bands who intend to create for the Jewish minority a separate independent State in spite of the wishes of the majority in the country. The intention of the Syrian Government is to help the Palestinians to set up the democratic state of Palestine under which all inhabitants, Moslems, Christians, Jews and others may live side by side in harmony and peace enjoying the same rights and bearing the same obligations with strict and perfect security of the Holy Places and free access to them (...) On what basis is it claimed that such forces are entitled to enter? [Question posed by UNSC] On the basis of considering Palestine an Arab territory linked with Syria and with the other Arab countries around it by all social, economic, political, racial, geographical, linguistic and traditional inseparable links. Palestine is also an associate member in the Arab League which is a regional arrangement obliged to settle disputes within its area. The prevailing anarchy in Palestine reacted gravely on the security and order in Syria, especially when enormous hordes of destitute refugees flooded into Syria seeking refuge. Furthermore, the majority of the inhabitants of Palestine, which is the only legitimate organ in Palestine entitled to assume directive authority in the country after the termination of the Mandate, requested our military help. If we do not respond to this appeal the surviving Arabs in and out of the area coveted by the Zionists to be their own will be condemned to annihilation.” (S/768, Letter of 18 May 1948)</p>
5.2.	11 support by local authorities	<p>“The majority of the people of Palestine are asking help of their neighbours to suppress the rebellion of the armed minority. The Arabs feel and this is a point which I request the members to take into account that as long as the Jews in Palestine are receiving arms and military support from all the Jewry of the world, why should the Arabs of Palestine be deprived of support from the Arab world? The Jewish world is giving support to the Jews of Palestine without limitation. The Arabs around Palestine are even more interested in this matter.” (Ambassador El-Khoury, S/PV.292, 15 May 1948, p.19-20)</p>

	Code	Material
6. UNSC Reaction	3 unclear	<i>See Israel 6</i>
7. UNGA Reaction	3 unclear	<i>See Israel 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Israel: “In a political controversy a breach of the Charter does not become justified merely by strong convictions. Whether the legal contentions advanced by the Syrian or Egyptian representatives are correct or false, they cannot entitle those States or any other States to use armed force outside the strict limitations of the Charter.” (Ambassador Eban, S/PV.296, 19 May 1948, p. 14)</p> <p>USA:</p>

	<p>"I think we cannot ignore the international character of this breach of the peace. Probably the most important and the best evidence we have on that subject is contained in the admissions of the countries whose five armies have invaded Palestine that they are carrying on a war. Their statements are the best evidence we have of the international character of this aggression." (Ambassador Austin, S/PV.302, 22 May 1948, p. 41)</p> <p>Saudi Arabia: "The Arabs in their present position are no more than defendant against unhuman Zionist aggression which surpassed the bitterest aggression in humanitarian history."(S/783, Letter of 15 May 1948)</p>
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660 Lebanon

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>"On 18 May, the Lebanese Ministry of Defense issued a communique stating that it had deployed the army defensively to stop attacks by a superior enemy all along the border." (Hughes, Lebanon's Armed Forces and the Arab-Israeli War, Journal of Palestine Studies, 2005, p. 30 (citing Le Jour (Beirut), 19 May 1948)</p> <p>"We have heard the reference made by the representative of the United States to my Government as an "aggressor."(...) After what we have heard today, I believe the</p>

							assurances given to the Security Council do not correspond to the facts. The aggressors referred to are the Arab States, and this has revealed the intentions of the authors of the resolution.” (Ambassador Ghorra, S/PV.302, 22 May 1948, p.49)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	“I do not understand how and why either the United States or the Security Council is interested in knowing what agreements the Arab Governments have entered into between themselves about a territory which they have always regarded as being of the utmost interest to themselves and to their own security.” (Ambassador Malik, S/PV.194, 25 August 1947, p. 19)

	Code	Material
6. UNSC Reaction	3 unclear	<i>See Israel 6</i>
7. UNGA Reaction	3 unclear	<i>See Israel 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	USA: “I think we cannot ignore the international character of this breach of the peace. Probably the most important and the best evidence we have on that subject is contained in the admissions of the countries whose five armies have invaded Palestine that they are carrying on a war. Their statements are the best evidence we have of the international character of this aggression.” (Ambassador Austin, S/PV.302, 22 May 1948, p. 41)

663 Jordan

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	“We were compelled to enter Palestine to protect unarmed Arabs against massacres similar to those of Deir Yasin. We are aware of our national duty towards Palestine in general and Jerusalem in particular and also Nazareth and Bethlehem. Be sure that we shall be very considerate in connection with Jews in Palestine and while maintaining at the same time the full right of the Arabs in Palestine. Zionism did not react to our offers made before the entry of armed forces.” (S/748, Letter of 16 May 1948)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material

0	0	
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	Code	Material
5. Legitimacy Claim	5 humanitarian	"We were compelled to enter Palestine to protect unarmed Arabs against massacres similar to those of Deir Yasin. We are aware of our national duty towards Palestine in general an Jerusalem in particular and also Nazareth and Bethlehem. Be sure that we shall be very considerate in connection with Jews in Palestine and while maintaining at the same time the full right of the Arabs in Palestine. Zionism did not react to our offers made before the entry of armed forces." (S/748, Letter of 16 May)

	Code	Material
6. UNSC Reaction	3 unclear	<i>See Israel 6</i>
7. UNGA Reaction	3 unclear	<i>See Israel 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	USA: "I think we cannot ignore the international character of this breach of the peace. Probably the most important and the best evidence we have on that subject is contained in the admissions of the countries whose five armies have invaded Palestine that they are carrying on a war. Their statements are the best evidence we have of the international character of this aggression." (Ambassador Austin, S/PV.302, 22 May 1948, p. 41)

645 Iraq

	Code
Law invoked?	2 No

	2 So ur ce	Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	“Upon the termination of the mandate, the Zionists attacked Jerusalem ignoring the cease-fire order previously agreed upon by both sides, as well as, the truce agreement presented by the Mandatory Power with the concurrence of the Truce Commission and the Arabs themselves on tin 12. The resolution was observed by the Arabs of Palestine and the Arab States by not proclaiming their Palestinian State. In that situation and in view of the continuous terrorist activities, the Arab States had no alternative but to take coordinated action to preserve the Arabs of Palestine including the repatriation of the quarter million displaced Arabs as well as to restore peace and order.” (S/792, Letter of 22 May 1948)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	5 humanitarian	„Massacres of unparalleled savagery followed, like the massacres of Deir Yassin, and the massacre of Nasiriddin, near Tiberias. Moreover, one quarter of a million of the Arab civilian population left their homes and took refuge in the neighboring Arab, countries.” (S/792, Letter of 22 May 1948)

5.2.	2 maintenance of law and order	"Upon the termination of the mandate, the Zionists attacked Jerusalem ignoring the cease-fire order previously agreed upon by both sides, as well as, the truce agreement presented by the Mandatory Power with the concurrence of the Truce Commission and the Arabs themselves on tin 12. The resolution was observed by the Arabs of Palestine and the Arab States by not proclaiming their Palestinian State. In that situation and in view of the continuous terrorist activities, the Arab States had no alternative but to take coordinated action to preserve the Arabs of Palestine including the repatriation of the quarter million displaced Arabs as well as to restore peace and order. " (S/792, Letter of 22 May 1948)
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	Code	Material
6. UNSC Reaction	3 unclear	<i>See Israel 6</i>
7. UNGA Reaction	3 unclear	<i>See Israel 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	USA: "I think we cannot ignore the international character of this breach of the peace. Probably the most important and the best evidence we have on that subject is contained in the admissions of the countries whose five armies have invaded Palestine that they are carrying on a war. Their statements are the best evidence we have of the international character of this aggression." (Ambassador Austin, S/PV.302, 22 May 1948, p. 41)

6. Malayan Rebellion 1948-1957

Key data

Duration: 18.06.1948 – 31.08.1957; Parties: United Kingdom vs. Malayan Communists; Initiator: Malayan Communists.

200 United Kingdom

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	<p>### on the resettlement of Chinese squatters as part of the Briggs plan. This statement may be read as implying that the British authorities can administer this situation as an internal affair ###</p> <p>"[...] although some eventually obtained 'temporary occupation licenses' the British officials say the squatters have no legal claim to the land they occupy. Little was done about them, however, until after the Malayan Communists returned to the jungle in 1948 and launched their present armed insurrection. Resettlement on a large scale did not begin until last summer following the arrival here of Lieut. Gen Sir Harold Briggs as civilian director of 'bandit suppression operations'. Outlining objectives of the resettlement programme, Sir Harold said in an interview:</p> <p>'All these 450.000 squatters were beyond the realm of administration and were dominated by the bandits. They were compelled to provide food and money and even recruits. They were exposed to Communist propaganda. The Communists organized the Min Yuen [people's movement] cells among them and they went around threatening people telling lorry companies, for example, that their lorries would be burned if they did not pay or drop off food. As we could not take the administration to the people, we had to bring the people to the administration.'" (Henry R. Lieberman, "Malaya Resettles 290,000 Squatters; Relocation as Part of Program to Cut Off Supply Sources for Red Jungle Bandits", The New York Times, 19.08.1951, https://www.nytimes.com/1951/08/19/archives/malaya-resettles-290000-squatters-relocation-as-part-of-program-to.html?searchResultPosition=1 (accessed on 28 May 2022))</p>

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	

Malayan Communists

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	

7. Indo-Hyderabad War 1948

Key data

Duration: 13.09.1948 – 17.09.1948; Parties: India v Hyderabad; Initiator: India.

750 India

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
9 non-applicability of the prohibition on the use of force	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<p>“Hyderabad has a no times been independent.” (Jawaharlal Nehru, 7 September 1948 in Gopal, Selected works of J Nehru, 2nd series, vol. 7, 1988, p. 229)</p> <p>“Hyderabad had never been a State in the sense of international law and could never be one in the future if India was to live” (Representative of India in UNSC, UNYB 1948, p. 301)</p>

						<p>“Hyderabad is not competent to bring any question before the Security Council; that it is not a State; that it is not independent; that never in all its history did it have the status of independence; that neither in the remote past nor before August 1947 nor under any declaration made by the United Kingdom, nor under any act passed by the British Parliament, has it acquired the status of independence which would entitle it to come in its own right to present a case before the Security Council” (S/PV.384, 15 December 1948, p. 18)</p> <p>“both legally and technically, and, even more... politically, Hyderabad can never be independent territory and that the Security Council can never recognize it as an independent territory or State” (S/PV.384, 15 December 1948, p. 21)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	### Discussion of the issue in the GA at the 143 rd meeting on 25 September 1948 following a report by the Indian representative (UNYB 1948, p. 299) ###

8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Argentina: “Hyderabad was an independent State – the representative of India promised us proof that the State of Hyderabad was not independent, but he has not done so – Hyderabad was an independent State which acquired full freedom on 15 August 1947 under a law passed by the British Parliament which re-established its complete independence, a State which had no remaining ties or links either with the British Crown to which it had been attached, or with any other Government, this State has been suppressed by force of arms.” (S/PV/360, 28 September 1948, p. 8)</p> <p>Pakistan: “the Indian action [was] an act of aggression lacking even the shadow of an excuse”, “Hyderabad had been overrun by the military forces of a powerful neighbour at the very time Hyderabad was pleading for a settlement of differences by peaceful means in conformity with the principles of justice and international law”, “the United Nations [should] take effective steps to remove every trace of aggression so that the State would be in a position to make its own decisions without any suspicion of pressure, coercion or intimidation from any quarter” (UNYB 1948, p. 299)</p> <p>Great Britain: “in summer 1948, as India’s statesmen (Patel) started to hint of an invasion, encouraged India to avoid using force, but repeatedly declined Nizman’s request to intervene on his behalf” (Personal Minute from the Minister of State for Commonwealth Relations to the Prime Minister, 22 September 1947 in: Sherman, The integration of the princely state of Hyderabad and the making of the postcolonial state in India, 1948-56, Indian economic & social history review 44 (4), 2007, p. 493, 494)</p>

Hyderabad

	Code
Law invoked?	2 No

2	Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
1 Yes	1 yes	<p>„Our case is that the United Nations is confronted with the most determined and most serious onslaught on its principles since the Organization was set up; that this breach of the Charter is not the result of a sudden eruption of passion but is due to a premeditated plan, the implications of which have been carefully weighed and deliberately accepted; that the action taken by the Dominion of India constitutes a denial of the principles of independence and equality, as laid down in the Charter;” (S/PV.357, 16 September 1948, p. 12)</p> <p>“We understand the view of the Security Council to be that the invasion of Hyderabad by India, Being an act of force, can confer no legal rights upon India; (...) The events which have occurred since the last meeting of the Security Council have shown that the Government of India and the Indian occupation authorities in Hyderabad are determined not to act in accordance with the declaration of the delegate of India.” (S/1015, 27 September 1948)</p>

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	

9. State Reaction	3 unclear	<i>See India 9</i>
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8. Third Sino-Tibetan War 1950

Key data

Duration: 07.10.1950 – 28.10.1950; Parties: China vs. Tibet; Initiator: China.

710 China

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Great Britain: <i>### while not directly involved, refused to issue visas for Hong Kong to the 1950-Tibetan delegation because fearing China's reaction on the necessary stamps into Tibetan passports ###</i></p> <p>India: "Prime Minister Nehru made it clear to a Tibetan delegation on 31 March that India was not in a position to intervene [and that] legally or politically, he did not deem it wise to interfere in what he considered an internal affair of the People's Republic of China"; still, he hoped for a continued autonomy of Tibet" (UN, Department of Political and Security Council Affairs, "Note on the situation relating to Tibet", 17.04.1959, para. 13f.)</p> <p>Taiwan: <i>### expressing its will to assist Tibet in realizing its aspirations in accordance with the "principles of self-determination";</i></p>

		<p><i>indicating a departure from the traditional Chinese position that Tibet had always been part of China</i> ### (UN, Department of Political and Security Council Affairs, "Note on the situation relating to Tibet", 17.04.1959, para. 15)</p> <p>Malaya: <i>### deplored the Chinese use of force</i> ### (UN, Department of Political and Security Council Affairs, "Note on the situation relating to Tibet", 17.04.1959, para. 16)</p> <p>United States: <i>### accused the Chinese Communists of "a barbarous intervention" in Tibet in alleged violation of the 1951 agreement between Tibet and the PRC</i> ### (UN, Department of Political and Security Council Affairs, "Note on the situation relating to Tibet", 17.04.1959, para. 14)</p>
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Tibet

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
1 Yes	4 no spec.	“Little is known in the outside world of this sneak invasion . Long after the invasion had taken place, the Chinese announced to the world that they had asked their armies to march into Tibet. This unwarranted act of aggression has not only disturbed the peace of Tibet, it is in complete disregard of a solemn assurance given by the Chinese to the Government of India” (Tibetan Delegation Shakabpa, UN A/1459, p. 4)

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see China 9</i>

9. Korean War 1950-1953

Key data

Duration: 24.6.1950 – 27.7.1953; Parties: North Korea, China vs. France, Netherlands, Thailand, South Korea, Turkey, Australia, Greece, Belgium, Philippines, Colombia, Canada, United States, Ethiopia, United Kingdom, Initiator: North Korea.

731 North Korea

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	“In reply to the declaration of the Foreign Minister of the Korean Democratic People’s Democratic republic of 27 June, the President of the United States, Mr. Truman, declared that he had ordered the air and naval forces of the United States to intervene in the military operations in Korea on the side of the South Korean puppet regime, which has unleashed civil war in our country at the behest of the American imperialists. On 30 June, Mr. Truman announced that American land forces had been sent to South Korea. American aircraft are brutally bombing our peaceful population and flying

						<p>over Pyongyang and other points in North Korea and the liberated cities of South Korea, attacking units of the People’s Army with the purpose of hindering their victorious advance southward. The policy pursued by the American imperialists of enslaving the Korean people and turning Korea into a colony of the United States has now developed into open armed intervention against the Korean People’s Democratic Republic (...). At the behest of its American masters, the Syngman Rhee Government on 25 June began civil war in Korea. In provoking this war the American imperialists intended by means of armed intervention to destroy the Korean Democratic Republic and take possession of all Korea. (...) The United States is trying to cover its intervention in Korea with the name of the United Nations, but everyone knows that the American imperialists have placed the United Nations before a fait accompli (...) The American-dictated resolution of the Security Council based on one-sided, fabricated information is invalid and contrary to the United Nations Charter, since it was adopted without the participation of representatives of the Government of the Korean People’s Democratic Republic and also without the participation of representatives of two great powers, permanent members of the Security Council, the USSR and the Chinese People’s Republic. (...) We are convinced that all honourable people of the world will indignantly condemn the aggression of the American imperialists against the freedom-loving people of Korea. We are certain that our just cause will meet with the warm sympathy in the hearts of all people.” (Letter Foreign Minister of DPRK, Pak Hen Nen) (“Text of North Korean Protest sent to the U.N.”, The New York Times, 04.07.1950, p. 4, https://timesmachine.nytimes.com/timesmachine/1950/07/04/issue.html (accessed on 28 May 2022))</p> <p>“The Korean People know that the Korean People’s Army consist of their own sons and daughters, who are defending the freedom and independence of the Korean People against foreign aggressors and their lackeys.” (S/1918, 28 November 1950, p.4)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
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0	0	
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	Code	Material
5. Legitimacy Claim	1 enable self-determination	<p>[fight for independence]</p> <p>“The Government of the Korean People’s Democratic Republic is in possession of copious information on the bestial reprisals committed by the American and Syngman Rhee Forces in the Regions of North and South Korea occupied by them. Wherever the interventionists and their accomplices tread, the blood of Korean Patriots fighting for the freedom and independence of their native country flows in streams.” (S/1918, 28 November 1950, p.4)</p> <p>“North Korea has become a powerful base for the fight of the Korean people for unity, independence and freedom.” (Letter Foreign Minister of DPRK, Pak Hen Nen) (“Text of North Korean Protest sent to the U.N.”, The New York Times, 04.07.1950, p. 4, https://timesmachine.nytimes.com/timesmachine/1950/07/04/issue.html (accessed on 28 May 2022))</p> <p>[fight against colonialism/imperialism]</p> <p>“The Korean people has personally experienced the whole weight of the colonialist policy of American imperialists. Having rid itself of the hateful yoke of the Japanese, it again finds itself threatened with enslavement. (...) At the behest of its American masters, the Syngman Rhee Government on 25 June began civil war in Korea. In provoking this war the American imperialists intended by means of armed intervention to destroy the Korean Democratic Republic and take possession of all Korea.” (Letter Foreign Minister of DPRK, Pak Hen Nen) (“Text of North Korean Protest sent to the U.N.”, The New York Times, 04.07.1950, p. 4, https://timesmachine.nytimes.com/timesmachine/1950/07/04/issue.html (accessed on 28 May 2022))</p>

	Code	Material
6. UNSC Reaction	2 disapproves	<p>“Noting with grave concern the armed attack upon the republic of Korea by forces from North Korea, Determines that this action constitutes a breach of peace, I. Calls for the immediate cessation of hostilities; and Calls upon the authorities of North Korea to withdraw forthwith their armed forces to the thirty-eighth parallel; (...) Having determined that the armed attack upon the Republic of Korea by forces from North Korea constitutes a breach of peace, (...)” (UNSC Res 82, 25 June 1950, S/1501)</p>
7. UNGA Reaction	3 unclear	<p>“Having in mind that United Nations armed forces are at present operating in Korea in accordance with the recommendations of the Security Council of 27 June 1950, subsequent to its resolution of 25 June 1950, that Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and</p>

		security in the area. (...) 1. Recommends that (a) all appropriate steps be taken to ensure conditions of stability throughout Korea; " (UNGA Res 376 (V), 7 October 1950)
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>USA: "At 4 o'clock in the morning of Sunday, 25 June, Korean time, armed forces from North Korea commenced an unprovoked assault against the territory of the Republic of Korea. (...) Under these circumstances this wholly illegal and unprovoked attack by North Korean forces, in the view of my Government, constitutes a breach of the peace and an act of aggression. This is clearly a threat to international peace and security. (...) Such an attack strikes at the fundamental purposes of the United Nations Charter. Such an attack openly defies the interest and authority of the United Nations. Such an attack, therefore, concerns the vital interest which all the Member nations have in the Organization." (S/PV.473, 25 June 1950, p. 4)</p> <p>"The armed invasion of the Republic of Korea continues. This is, in fact, an attack on the United Nations itself. (...) It is difficult to imagine a more glaring example of disregard for the United Nations and for all the principles which it represents. The most important provisions of the Charter are those outlawing aggressive war. It is precisely these provisions which the North Korean authorities have violated." (S/PV.474, 27 June 1950, p.3)</p> <p>Norway: "We are faced at this critical juncture in the life of the United Nations with an unprovoked attack by the North Korean forces against the Government of the Republic of Korea, which was brought into being through the action of the General Assembly of the United Nations." (S/PV.474, 27 June 1950, p.12)</p> <p>Ecuador: "Unfortunately we must admit that we are faced with a flagrant case of aggression and an unjustified violation of the fundamental principles of international life, principles which are laid down in the United Nations Charter." (S/PV.474, 27 June 1950, p.13)</p> <p>USSR: "Speaking during the General Assembly - both in the First Committee and at plenary meetings of the Assembly - Mr. Vyshinsky, the head of the USSR delegation, cited facts and data, adduced documents and maps showing that the South had prepared and carried out an aggression against North Korea under the leadership and guidance of American ruling circles and their civilian and military representatives in Korea." (S.PV.528, 9 November 1950, p.16)</p>

710 China

Code

Law invoked?	1 Yes
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### Generally, China participates at the legal discourse, however it does not make legal justifications for the use of force. ###</p> <p>“The reason why I do not participate in the discussion of the so-called complaint of aggression against the Republic of Korea is very clear. The truth of the question of Korea is that the Government of the United States has used armed forces to intervene in the domestic affairs of Korea, and has seriously breached the security of the People’s Republic of China. The usurpation of the name of the United Nations by the United States Government is entirely illegal. The resolution on the question of Korea adopted by the Security Council on 27 June [474th meeting] is entirely illegal since it was adopted without the participation of the representative of the Central People’s Government of the People’s Republic of China and without the participation of the Soviet Union, two permanent members of the Security Council. Under such circumstances, I will not participate in the discussion of the so-called complaint of aggression against the Republic of China, a complaint which is absolutely absurd. And there is no necessity whatsoever to answer the questions brought forth by Mr. Austin on the basis of the MacArthur report. Since the Government of the United States started its aggressive war in Korea, according to preliminary estimates, from 27 August to 25 November, the United States armed forces of aggression in Korea violated the territorial air space of my country two hundred times, and the number of airplanes thus employed total more than one thousand. These acts have damaged Chinese property and killed Chinese people. I wish to ask Mr. Austin: Is this not aggression? (...) The Chinese people love peace, but the people of China has complete confidence in its ability to beat back all the imperialists who dare invade China.” (Mr. Wu Hsiu-Chan, S/PV.530, 30 November 1950, p. 19)</p>

						<p>“To say that the civil war in Korea would affect the security of the United States is a flagrant, deceitful absurdity. But there is only a narrow river between Korea and China. The United States armed aggression in Korea inevitably threatens China's security. That the United States aggression forces in Korea have directly threatened China's security is fully borne out by the facts. From 27 August to 10 November 1950, the military aircraft of the United States aggression forces in Korea have violated the territorial air of North-East China ninety times; they have conducted reconnaissance activities, strafed and bombed Chinese cities, towns and villages, killed and wounded Chinese peaceful inhabitants and damaged Chinese properties. (...) All these acts of direct aggression against China by the United States aggression forces in Korea are an insolent provocation which the Chinese people absolutely cannot tolerate. (...) The flames of the war of aggression waged by the United States against Korea are swiftly sweeping towards China. Under such circumstances the United States armed aggression against Korea cannot be regarded as a matter which concerns the Korean people alone. No, decidedly not. The United States aggression against Korea gravely endangers the security of the People's Republic of China. The Korean People's Democratic Republic is a country bound by close ties of friendship to the People's Republic of China. Only a river separates the two countries geographically. The Chinese people cannot afford to stand idly by in the face of this serious situation brought about by the United States Government's aggression against Korea and the dangerous tendency towards the extension of the war. The Chinese people have witnessed with their own eyes Taiwan fall prey to aggression and the flames of the United States war of aggression against Korea leap towards them. Thus stirred into righteous anger, they are volunteering in great numbers to go to the aid of the Korean people. Resistance to United States aggression is based on the self-evident principles of justice and reason. The Chinese People's Government sees no reason whatever to prevent voluntary departure for Korea to participate, under the command of the Government of the Korean People's Democratic Republic, in the great liberation struggle of the Korean people against United States aggression.” (Mr. Wu Hsiu-Chan, S/PV.527, 28 November 1950, p. 21)</p> <p>[Collective self-defense / invitation]</p> <p>“The Korean People's Democratic Republic is a country bound by close ties of friendship to the People's Republic of China. Only a river separates the two countries geographically. The Chinese people cannot afford to stand idly by in the face of this serious situation brought about by the United States Government's aggression against Korea and the dangerous tendency towards the extension of the war. The Chinese people have witnessed with their own eyes Taiwan fall prey to aggression and the flames of the United States war of aggression against Korea leap towards them. Thus stirred into righteous anger, they are volunteering in great numbers to go to the aid of the Korean people. Resistance to United States aggression is based on the self-evident principles of justice and reason. The Chinese People's Government sees no reason whatever to prevent voluntary</p>
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							departure for Korea to participate, under the command of the Government of the Korean People's Democratic Republic, in the great liberation struggle of the Korean people against United States aggression." (Mr. Wu Hsiu-Chan, S/PV.527, 28 November 1950, p. 22)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	1 enable self-determination	<p>[assist liberation struggle]</p> <p>"But in no sense whatever can it be said that the Korean people's struggle for liberation, or the exercise of sovereignty by the People's Republic of China over its own territory, Taiwan, or the volunteering of the Chinese people to resist the United States and aid Korea, or the struggle for national independence of the Viet-Nam Democratic Republic against French imperialism and its puppets affect the security of the United States in North America 5,000 miles away." (Mr. Wu Hsiu-Chan, S/PV.527, 28 November 1950, p. 23)</p> <p>"The Chinese people have witnessed with their own eyes Taiwan fall prey to aggression and the flames of the United States war of aggression against Korea leap towards them. Thus stirred into righteous anger, they are volunteering in great numbers to go to the aid of the Korean people. Resistance to United States aggression is based on the self-evident principles of justice and reason. The Chinese People's Government sees no reason whatever to prevent voluntary departure for Korea to participate, under the command of the Government of the Korean People's Democratic Republic, in the great liberation struggle of the Korean people against United States aggression." (Mr. Wu Hsiu-Chan, S/PV.527, 28 November 1950, p. 22)</p> <p>"The Chinese people are maintaining a sharp vigilance over the progress of American imperialist aggression. They have already</p>

		acquired the experience and learned the lesson from history as to how to defend themselves from aggression.” (Mr. Wu Hsiu-Chan, S.PV.527, 28 November 1950, p. 24)
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	Code	Material
6. UNSC Reaction	4 unclear + veto	### Draft resolution calling for the withdrawal of PRC troops from the Korean peninsula was vetoed by the USSR on 30 November 1950. (S.PV.530) ###
7. UNGA Reaction	2 disapproves	“1. Finds that the Central People’s Government of People’s Republic of China by giving direct aid and assistance to those who were already committing aggression in Korea and by engaging in hostilities against United Nations forces there, has itself engaged in aggression in Korea.” (UNGA Res 498 (V), 1 February 1951)
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Republic of Korea: “I charge the Chinese communist régime with criminal, wilful, wanton, unprovoked aggression upon the Republic of Korea. I charge it with endangering the peace of the world. I charge it with inviting the cataclysmic disaster upon all mankind by its insane, immoral and monstrous conduct. I demand that the Chinese communist régime withdraw its troops from Korea forthwith.” (Mr. Limb, S/PV.528, 29 November 1950, p. 7)</p> <p>USA: “Let the Chinese communist régime reflect before it persists in attacking United Nations forces and committing acts of aggression upon Korea.” (S/PV.528, 29 November 1950, p. 14)</p> <p>USSR: “The question of the commission of this act of aggression on China by the United States Government was raised before the Security Council as early as August this year.” (S/PV.528, 29 November 1950, p.24)</p>

732 South Korea

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2. Source of law	Contestation about					Material
		3. facts	4. interpretation	5. exceptional circumstances	6. abstr. gen. level	7. validity	
1 self-defence	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	<p>“My country, the Government of which was brought into being by the United Nations, is now suffering the brunt of an unprovoked attack by military forces from North Korea. (...) The armed forces of our country, however, are meeting the attack with fortitude and bravery. Our people are determined to resist the invaders and to lay down their lives in order that free and independent democratic Korea might survive. This unprovoked armed attack by the forces of the North against the Republic of Korea is a crime against the humanity and conscience of mankind. The invasion of my country is an act of aggression and a threat to international peace and security.” (Mr. Chang, S/PV.473, 25 June 1950, p.8)</p> <p>“As members of the Council know, my Government and my people have borne the full brunt of the present savage attack of the communist forces of North Korea. With none but small arms, without planes or tanks or heavy artillery, a substantial number of our soldiers have died fighting valiantly at their posts of duty while attempting to hold back the tanks and planes of the enemy. (...) Our soldiers still face the advancing foe under heavy odds in terms of weapons and ammunition. Under these fearsome conditions, our retreat has been inevitable. The situation is becoming more critical. Nevertheless, our armed forces are fighting with courage and determination.” (Mr. Chang, S/PV.474, 27 June 1950, p.7)</p> <p>“At the same time, it will never yield even one inch of its sacred territory to anyone or any group for any purpose whatsoever. I repeat, it will never yield even one inch of its sacred territory to anyone or any group for any purpose whatsoever. My people are determined to defend our land against any aggressor with all the ferocity, resourcefulness and manpower to the very last.” (Mr.Limb, S/PV.528, 29 November 1950, p. 8)</p>
Letter sent in accordance with Art. 51 UNCh	2 no						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<p>“Noting with grave concern the armed attack upon the republic of Korea by forces from North Korea, Determines that this action constitutes a breach of peace, I. Calls for the immediate cessation of hostilities; and Calls upon the authorities of North Korea to withdraw forthwith their armed forces to the thirty-eighth parallel;” (UNSC Res 82, 25 June 1950, S/1501)</p> <p>“Having determined that the armed attack upon the Republic of Korea by forces from North Korea constitutes a breach of the peace; Recommends that the Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area.” (UNSC Res 83, 27 June 1950, S/1511)</p>
7. UNGA Reaction	1 approves	<p>“Having in mind that United Nations armed forces are at present operating in Korea in accordance with the recommendations of the Security Council of 27 June 1950, subsequent to its resolution of 25 June 1950, that Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area. (...) 1. Recommends that (a) all appropriate steps be taken to ensure conditions of stability throughout Korea; (b) All constituent acts be taken , including the holding of elections, under the auspices of the United Nations, for the establishment of a unified, independent and democratic government in the sovereign State of Korea” (UNGA Res 376 (V), 7 October 1950)</p>
8. ICJ Reaction	4 no reaction	

<p>9. State Reaction</p>	<p>3 unclear</p>	<p>“In Korea the Government forces, which were armed to prevent border raids and to preserve internal security, were attacked by invading forces from North Korea.” (President Truman, Statement read by Ambassador Austin at UNSC, S/PV.474, 27 July 1950, p.4)</p> <p>### <i>By furnishing support to South Korea’s self-defense efforts, the states implicitly affirmed South Korea’s self-defense claim.</i> ###</p> <p>“Speaking during the General Assembly - both in the First Committee and at plenary meetings of the Assembly - Mr. Vyshinsky, the head of the USSR delegation, cited facts and data, adduced documents and maps showing that the South had prepared and carried out an aggression against North Korea under the leadership and guidance of American ruling circles and their civilian and military representatives in Korea.” (S/PV.528, 9 November 1950, p.16)</p>
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2 United States of America

	Code
<p>Law invoked?</p>	<p>1 Yes</p>

<p>1.1 Justificatory claim</p>	<p>.2 Source of law</p>	Contestation about					<p>Material</p>
		<p>.3 facts</p>	<p>.4 interpretation</p>	<p>.5. exceptional circumstances</p>	<p>.6 abstr. gen. level</p>	<p>.7 validity</p>	
<p>2 Chapter VII</p>	<p>1 Treaty</p>	<p>2 No</p>	<p>1 Yes</p>	<p>2 No</p>	<p>2 No</p>	<p>2 No</p>	<p>“In Korea the Government forces, which were armed to prevent border raids and to preserve internal security, were attacked by invading forces from North Korea. The Security Council of the United Nations called upon the invading troops to cease hostilities and to withdraw to the 38th parallel. This they have not done but, on the contrary, have pressed the attack. The Security Council called upon all Members of the United Nations to render every assistance to the United Nations in the execution of this resolution. In these circumstances, I have ordered United States air and sea forces to give the Korean Government troops cover and support. The attack upon Korea makes it plain beyond all doubt that communism has passed beyond the use of subversion to conquer independent nations, and will now use armed invasion and war. It has defied the orders of the</p>

						<p>Security Council of the United Nations, issued to preserve international peace and security. In these circumstances, the occupation of Formosa by communist forces could be a direct threat to the security of the Pacific area and to United States forces performing their lawful and necessary functions in that area. Accordingly, I have ordered the Seventh Fleet to prevent any attack on Formosa.” (President Truman, Statement read by Ambassador Austin at UNSC, S/PV.474, 27 July 1950, p.4)</p> <p>“On 28 June, aircraft of the United States Air Force, operated pursuant to the resolution of the Security Council of the United Nations began air operations against the North Korean invaders in support of Republic of Korea forces” (S/1626, 25 July 1950, p.4)</p> <p>“It was solely following the attack of the Soviet-controlled puppet régime in North Korea against the Republic of Korea that the United States and the United Nations took up arms and that the United States returned to Korea together with the forces of other Members of the United Nations.” (Statement Ambassador Austin, S/PV.528, 29 November 1950, p. 14)</p> <p>“In uniting to crush the aggressors in Korea, these Member Nations have done no more than the Charter calls for.” (President Truman, UNGA Verbatim records, A/PV.295, 24 October 1950, p. 245)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
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5.1	6 defence against ideology	[fight against communism] “The attack upon Korea makes it plain beyond all doubt that communism has passed beyond the use of subversion to conquer independent nations, and will now use armed invasion and war. It has defied the orders of the Security Council of the United Nations, issued to preserve international peace and security. In these circumstances, the occupation of Formosa by communist forces could be a direct threat to the security of the Pacific area and to United States forces performing their lawful and necessary functions in that area.” (President Truman, Statement read by Ambassador Austin at UNSC, S/PV.474, 27 July 1950, p.4)
5.2	2 maintenance of law and order	[restore constitutional authority] “We are now in Korea in force, and with God’s help we are there to stay until the constitutional authority of the Republic is fully restored.” (General MacArthur, S/1626, 26 July 1950)

	Code	Material
6. UNSC Reaction	1 approves	<p>“Recommends that the Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area.” (UNSC Res 83, 27 June 1950, S/1511) <i>### adopted 7 in favour, 1 against (Yugoslavia), USSR did not attend the meeting ###</i></p> <p>“1. <i>Welcomes</i> the prompt and vigorous support which Governments and peoples of the United Nations have given to its resolutions 82 (1950) and 83 (1950) of 25 and 27 June 1950 to assist the Republic of Korea in defending itself against armed attack and thus to restore international peace and security in the area; 3. <i>Recommends</i> that all Members providing military forces and other assistance pursuant to the aforesaid Security Council resolutions make such forces and other assistance available to a unified command under the United States of America;” (UNSC Res 84, 7 July 1950, S/1588)</p> <p><i>### UNSC was not acting under Chapter VII in these resolutions. ###</i></p>
7. UNGA Reaction	1 approves	<p>“Having in mind that United Nations armed forces are at present operating in Korea in accordance with the recommendations of the Security Council of 27 June 1950, subsequent to its resolution of 25 June 1950, that Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area. (...) 1. Recommends that (a) all appropriate steps be taken to ensure conditions of stability throughout Korea;” (UNGA Res 376 (V), 7 October 1950)</p> <p><i>### See also UNGA Res 377 (V) Uniting for Peace, 3 November 1950 ###</i></p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>China: “Mao Tse-tung, the Chinese Communist leader, addressing the Government Council in Peaking, said that the affairs of Asia should be run by the peoples of Asia themselves, not by the United States. The United States ‘aggression’ in Asia would only arouse the extensive and resolute resistance of the peoples of Asia.” (“Aggression by U.S. Mao Tse-tung’s Charge”, Times</p>

	<p>[London, England], 01.07.1950, p. 3, https://nl.sub.uni-goettingen.de/id/OFFO-1950-JUL01?origin=/date_search?date%3D1950-07-01%26activeCollection%3Dnlh-tda1#{"panel":"metadata","zoom":1,"lat":-139.5,"lng":155.5} (accessed on 28 May 2022))</p> <p>Poland: “The Polish Government, in an official statement issued in Warsaw, says that it protests in the strongest possible terms against the ‘Act of aggression’ by the United States in Korea.” (“Polish Protest at U.S. Aggression”, Times [London, England], 03.07.1950, p. 5, https://nl.sub.uni-goettingen.de/id/OFFO-1950-JUL03?origin=/date_search?date%3D1950-07-03%26activeCollection%3Dnlh-tda1#{"panel":"metadata","zoom":1,"lat":-139.5,"lng":156} (accessed on 28 May 2022))</p> <p>France: “The French delegation also wishes to express its deep appreciation of President Truman's statement, which the United States representative has just read. In employing without delay with the request contained in paragraph III of the resolution adopted on 25 June, President Truman has shown a real sense of the great and heavy responsibilities which each Member of our Organization has undertaken in signing the Charter.” (Mr. Chauvel, S/PV.474, 27 June 1950, p.9)</p> <p>Norway: “For my part, I should like to congratulate and thank the President of the United States and his Government for their prompt action, which shows there is no doubt or vacillation in this great Republic when the peace and security and justice of the world are put in jeopardy by reckless aggression.” (Mr. Sunde, S/PV.474, 27 June 1950, p. 13)</p> <p>USSR: “It was clear that in their efforts to establish world mastery the ruling circles of the United States had moved from a policy of preparation for aggression to the commission of direct acts of aggression when they committed an act of flagrant aggression against the peace-loving peoples of Korea and China and adopted the policy of direct intervention in the internal affairs of these countries, attempting with the assistance of armed intervention to prevent the Korean people from realizing its ancient dreams and aspirations towards the establishment of a single, free, independent and peace-loving democratic state.” (S/PV.528, 29 November 1950, p.17)</p>
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20 Canada

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>“Any participation by Canada in carrying out the foregoing resolution -- and I wish to emphasize this strongly -- would not be participation in war against any state. It would be our part in collective police action under the control and authority of the United Nations for the purpose of restoring peace to an area where an aggression has occurred, as determined under the Charter of the United Nations by the Security Council, which decision has been accepted by us. It is only in such circumstances that this country would be involved in action of this kind, and the House I think has already approved this position. I would add, however, that if we are Informed that a Canadian contribution to aid United Nations operations under a United Nations commander would be important to achieve the ends of peace, which is of course our only purpose, then the Government wishes Parliament to know that it would immediately consider making such a contribution.” (Statement by Prime Minister, S/1538, Letter of 30 June 1950)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						
4. Invocation of use of force by a victim state	.1 Source	Material					
0	0						

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see United States 6</i>
7. UNGA Reaction	1 approves	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see United States 9</i>

200 United Kingdom

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>“The House will wish to know what action His Majesty’s Government is taking in pursuance of the resolution of the Security Council passed yesterday calling on all Members of the United Nations to furnish assistance to the Republic of Korea. We have decided to support the United States action in Korea by immediately placing our Naval forces in Japanese waters at the disposal of the United States authorities to operate on behalf of the Security Council in support of South Korea.”</p> <p>(Statement by the Prime Minister in the House of Common, S/1515, Letter of 28 June 1950)</p>

Letter sent in accordance with Art. 51 UNCh	0 – not applicable
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see United States 6</i>
7. UNGA Reaction	1 approves	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>"In view of the foregoing it is quite clear that the said resolution of the Security Council on the Korean question has no legal force." (Foreign Secretary USSR, S/1517, Letter of 29 June 1950)</p> <p><i>see United States 9</i></p>

640 Turkey

	Code
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Law invoked?	1 Yes
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	“It is with this conviction that, in reply to the recommendation you communicated to it on behalf of the Council, my Government declares that it is ready to execute loyally and in complete conformity with the provisions of the Charter the undertakings which Turkey has assumed as a Member of the United Nations.” (S/1529, Letter of 30 June 1950)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	1 approves	<i>see United States 6</i>
7. UNGA Reaction	1 approves	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see United States 9</i>

840 Philippines

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see United States 6</i>
7. UNGA Reaction	1 approves	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see United States 9</i>

900 Australia

	Code
Law invoked?	1 Yes

2	Contestation about	Material

1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>“The Australian Government have given urgent consideration to the resolution of the Security Council recommending that Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel armed attack and restore international peace and security in the area. As a member of the United Nations pledged to give effect to the purposes end principles of its Charter, the Australian Government has decided to place Australian naval vessels now in far eastern waters, namely, the 'Shoalhaven' and 'Batan,' at the disposal of the United States authorities on behalf of the Security Council in support of the Republic of Korea.” (S/1524, Letter of 29 June 1950)</p> <p>“The Commonwealth Government in further response to the resolutions of Security Council has decided to place at the service of the United Nations through the American authorities the RAAF fighter squadron now stationed in Japan. The United Nations having decided to support the Republic of Korea, the Commonwealth Government as a signatory of the Charter is determined to honour its obligations to do what it can to support the Security Council’s decision. The Secretary-General of the United Nations, the Government of the United States of America and the governments of the United Kingdom and the other British Commonwealth countries are being advised accordingly.” (S/1530, Letter of 30 June 1950)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						
4. Invocation of use of force by a victim state	.1 Source	Material					

0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see United States 6</i>
7. UNGA Reaction	1 approves	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see United States 9</i>

211 Belgium

	Code
Law invoked?	1 Yes

	2 UN ce	Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. Gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	"I have the honour to inform you that the resolutions adopted by the Security council on 25 and 27 June concerning the aggression upon the Republic of Korea meet with the full approval of the Belgian Government. The Belgian Government would not have failed to vote in favour of these resolutions had Belgium still been a member of the Security Council. My Government will grant every useful assistance in its power to comply with the recommendation contained in the resolution of 27 June." (S/1519, Letter of 27 June 1950)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
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6. UNSC Reaction	1 approves	<i>see United States 6</i>
7. UNGA Reaction	1 approves	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see United States 9</i>

100 Colombia

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material

0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see United States 6</i>
7. UNGA Reaction	1 approves	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see United States 9</i>

210 Netherlands

	Code
Law invoked?	1 Yes

	2011	Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	“The Government have decided to give execution to the resolution which the Security Council has directed to the United Nations, inviting them to furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack of the forces of North-Korea end to contribute to the restoration of international peace and security in the area concerned. In the interest of furthering an effective implementation of the recommendation of the Security Council, the Netherlands Government are considering the relinquishment of sea forces for participation in the necessary measures to be taken in the above-mentioned area. The Government are at present in close consultation with Indonesia and the Benelux-partners with regard to the situation, and the measures required on the part of the Members of the United Nations.” (S/1526, Letter of 29 June 1950)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see United States 6</i>
7. UNGA Reaction	1 approves	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see United States 9</i>

350 Greece

	Code

Law invoked?	1 Yes
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see United States 6</i>
7. UNGA Reaction	1 approves	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see United States 9</i>

220 France

	Code
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Law invoked?	2 No
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	“There has been an act of violence; the consequences may be serious, in fact they could be extremely serious. The only solution, therefore, is to reply in such a way as to put a complete stop to the attack. The solution must be made to fit the circumstances, and the circumstances are such that the Members of the United Nations must give proof of their solidarity in support of the principles which are the very foundation of their Organization.” (S/PV.474, 27 July 1950, p. 9)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	1 approves	<i>see United States 6</i>
7. UNGA Reaction	1 approves	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see United States 9</i>

FOR REVIEW ONLY

10. British Mau Mau War 1952-1956

Key data

Duration: 20.10.1952 – October 1956; Parties: United Kingdom vs. Mau Mau; Initiator: Mau Mau.

Mau Mau

		Code					
Law invoked?		2 No					
1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	1 enable self-determination	<p>### Mau Mau aiming for land reforms in order to regain the land which they believed to be theirs and which the British had taken ###</p> <p>“Mau Mau fighters themselves explained: ‘We are fighting for all land stolen from us by the Crown through its Orders in Council of 1915, according to which Africans have been evicted from the Kenya Highlands. (...) The British Government must grant Kenya full independence under African leadership, and hand over all land previously alienated for distribution to the landless. We will fight until we achieve freedom or until the last of our warriors has shed his last drop of blood.’” (Bongonko / Sorobea, Kenya 1945-1963: A Study In African National Movements, 1980, p. 71)</p> <p>“The basis of the Mau Mau movement is partly dissatisfaction over the exclusion of Africans from the best lands in Kenya. It also has political and racial roots. The movement was started in the last ten years by the Kikuyu, largest and most advanced of the Kenya tribes. It turned to outright terrorism early in 1952, with the elimination of the white man from Kenya as a principal aim.” (“July 10 deadline set for Mau Mau”, The New York Times, 09.06.1955, p. 5, https://timesmachine.nytimes.com/timesmachine/1955/06/09/93805524.html?pageNumber=5 (accessed on 31 May 2022))</p> <p>“It soon became clear that unless the government introduced reforms immediately the Africans would force it to act. Mass resistance to government agricultural policies in the rural areas, urban strikes and political demonstrations were staged (...).” (Bongonko / Sorobea, Kenya 1945-1963, A Study In African National Movements, 1980, p. 74)</p> <p>“It was the Mau Mau’s promise to deliver ‘freedom, land and every good thing we wished to have’ that won it the popular support of a deeply divided society.” (Branch, The enemy within: loyalists and the war against Mau Mau in Kenya, Journal of African History, 2008. p. 292)</p>

	<p>“In the early twentieth century, there was a large influx of English settlers into Kenya, leading to competition for land between the settlers and the Kikuyu and Masai tribes.” (Sarkees and Wayman, <i>Resort to War: 1816 – 2007</i>, 2010, p. 316)</p> <p>“1952: The failure of colonial British governors to accommodate demands by Africans, inter alia in respect of allocation of land to European settlers, was partly responsible for the outbreak of the Mau Mau war of independence. A state of emergency was declared.” (Kindiki, Kenya, <i>Human Rights Law in Africa</i>, 2 (2004), p. 1178-1202)</p> <p><i>### Mau Mau aiming for political rights, wealth and the end of discrimination ###</i></p> <p>“Its [the Mau Mau’s] essence was resentment at European settlement of land which the Kikuyu believed to be theirs. This was aggravated by grievances of unemployed and landless Kikuyu, by a distaste for communal terracing and by the feeling among the more educated that they were denied the status and salaries for which they were qualified. « (Trench, <i>Men Who Rule Kenya- The Kenya Administration 1892-1963</i>, 1993, p. 217)</p> <p>“The causes of Mau Mau can be summed up in one word - frustration, born of racial discrimination in politics, in social life and in the economics of the country. The Internal Security Working Committee put it this way to the Governor on 27 November 1951: ‘The main underlying factors which condition the climate of anti-European feeling amongst the Africans are the disparity of wealth, land, hunger, the urge to run their own affairs (...) feelings of racial discrimination (...) and the fact that progress towards self-government in Kenya is apparently slower than in other territories where Europeans are not a permanent element in the community.’” (Bongonko / Sorobe, <i>Kenya 1945-1963, A Study In African National Movements</i>, 1980, p. 70)</p> <p>“Since 1945, nationalists like Jomo Kenyatta of the Kenya African Union (KAU) had been pressing the British government in vain for political rights and land reforms, with valuable holdings in the cooler Highlands to be redistributed to African owners.” (Mau Mau uprising - Bloody history of Kenya conflict, BBC, 07.04.2011, https://www.bbc.com/news/uk-12997138 (accessed on 31 May 2022))</p> <p>“Mau Mau Rebellion is Believed to Have its Roots in Colony’s Poor Productive Capacity (...)” (Lyttelton confers with Kenya tribe, NYew York Times, 18.05.1953 p.5, https://timesmachine.nytimes.com/timesmachine/1953/05/18/issue.html (accessed 31 May 2022))</p> <p><i>### Mau Mau fighting in order to remove British authority and to become independent ###</i></p> <p>“[Kenyatta]: ‘We insist that we are the leaders here, and what we want we insist we get (...) He who has ears should now hear that K.A.U. claims this land as its gift from God and I wish those who are black, white or brown at this meeting to know this.’ (...) Achieng Oneko also added fuel to Kenyatta’s fire when he said: “Europeans are visitors and they know it (...) If we want freedom we must hit back (...) We will get it in the same way as the people in the Gold Coast and Nigeria (...)” (Bongonko / Sorobe, <i>Kenya 1945-1963, A Study In African National Movements</i>, 1980, p. 78)</p>
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		<p>“In 1944 the Kenya African Union (KAU) was formed to work for a political system in which Africans had a voice. (...) In 1950 the Kikuyu also organized a secret society for ‘land and freedom’ (or mau mau), which was dedicated to using armed forces to removing foreigners from Kenya.” (Sarkees and Wayman, <i>Resort to War: 1816 – 2007</i>, 2010, p. 316)</p> <p><i>### At the end of the war: leaders of the Mau Mau aiming for establishment of peace ###</i></p> <p>“Dedan Kimathi, Kenya’s No. 1 Mau Mau terrorist leader, has ordered his ‘war leaders’ to lay down their arms and stop fighting, according to a letter to the Swahili-language newspaper Habara Za Dunia. (...) In his letter Kimathi declared: ‘In order to bring back peace and to make a new Kenya I have instructed all war leaders in the forest not to fight again after Augsut 1953.’ The latter, dated August 14 and giving Kimathi’s address as Ihururu, a settlement in the Nyeri district, was sent through the mail to the editor of the newspaper. It was similar to another letter he sent to the Governor, Sir Evelyn Baring, recently offering surrender on certain terms. (...) The letter stated that the terrorst wished to make peace and added ‘Because we are ordinary humans we shall seek food as usual but in a peaceful way because we cannot live without food. (...) If peace were mutually agreed upon by all, as is necessary, there would immediately be no more fighting,’ he said.” (“Mau Mau leader held set to quit”, <i>The New York Times</i>, 28.08.1953, p.8, https://timesmachine.nytimes.com/timesmachine/1953/08/28/issue.html (accessed on 31 May 2022))</p>
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	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p><i>### Mau Mau regarded as terrorists, but not further reaction by the international community ###</i></p> <p>“It was not until the later part of 1953 that British politicians began to accept that the rebellion was going to take some time to deal with. (...) The British army accepted the gravity of the uprising months before the politicians, but its appeals to London and Nairobi were ignored.” (Nissimi, <i>Mau Mau and the Decolonisation of Kenya</i>, <i>Journal of Military and Strategic Studies</i>, 8 (3) 2006, p. 4)</p> <p>“The British and international view was that Mau Mau was a savage, violent, and depraved tribal cult, an expression of unrestrained emotion rather than reason. Mau Mau was ‘perverted tribalism’ that sought to take the Kikuyu people back to ‘the bad old days’ before British rule.” (Füredi, <i>The Mau Mau War in Perspective</i>, 1989; Berman, <i>Nationalism, Ethnicity, and Modernity: The Paradox of Mau Mau</i>, <i>Canadian Journal of African Studies</i>, 25 (2) 1991, p. 181–206.)</p> <p>Kenya: [fighting alongside the British against the Mau Mau “terrorists”]</p>

	<p>“He [Michael Blundell, Minister Without Portfolio and member of the War Council] explained that the Government, through the War Council, always had three aims- the control of Nairobi, the restoration of the situation in the tribal reserves and settled areas, and the elimination of gangs from the forests.” (“Kenya to quicken drive on Mau Mau”, The New York Times, 22.08.1954, p. 13, https://timesmachine.nytimes.com/timesmachine/1954/08/22/issue.html (accessed on 31 May 2022))</p> <p>“Oliver Lyttelton, the British Colonial Secretary, at a press conference here today said that both he and the Governor of Kenya, Sir Evelyn Baring, felt that the ‘phase of decision’ in the campaign to crush the Mau Mau terrorists had been reached (...).” (Lyttelton moves to end Kenya ‘War’, NY Times, 20.05.1953, https://timesmachine.nytimes.com/timesmachine/1953/05/20/223865372.html?pageNumber=5 (accessed on 31 May 2022))</p>
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200 United Kingdom

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	<p>### Claims by the British were not specifically made in view of the use of force. Therefore, the legitimacy claim was coded "0". ###</p> <p>„Großbritannien hat am Montagabend in Kenia, der größten britischen Kolonie in Ostafrika, den Ausnahmezustand verkündet und umfangreiche militärische Maßnahmen eingeleitet, um dem Treiben der berüchtigten Terrororganisation „Mau Mau“ der Eingeborenen ein Ende zu bereiten.“ („Britische Füsiliere bekämpfen ‚Mau Mau‘- Ausnahmezustand in der ostafrikanischen Kolonie Kenia“, Frankfurter Allgemeine Zeitung, 21.10.1952, p. 4, https://www.faz-corporate.de/faz-portal/document?uid=FAZH__521021_FAZ_0004_4_0002&token=4482c038-3d97-4367-bd5b-a05b9a890a3c&p._scr=faz-archiv&p.q=Britische (accessed on 9 June 2022))</p> <p>„General Lathbury said the military situation had ‘appreciably improved.’ In the last seven months, nearly 1900 terrorists had been killed, captured or had surrendered.“ (“Kenya force to be cut”, The New York Times, 30.3.1956, p. 2, https://timesmachine.nytimes.com/timesmachine/1956/03/30/issue.html (accessed on 31 May 2022))</p> <p>» The British and international view was that Mau Mau was a savage, violent, and depraved tribal cult, an expression of unrestrained emotion rather than reason. Mau Mau was "perverted tribalism" that sought to take the Kikuyu people back to "the bad old days" before British rule. « (Füredi, The Mau Mau War in Perspective, 1989; Berman, Nationalism, Ethnicity, and Modernity: The Paradox of Mau Mau, Canadian Journal of African Studies, 25 (2) 1991, p. 181–206)</p> <p>» Oliver Lyttelton, the British Colonial Secretary, at a press conference here today said that both he and the Governor of Kenya, Sir Evelyn Baring, felt that the “phase of decision” in the campaign to crush the Mau Mau terrorists had been reached [...]. « (“Lyttelton moves to end Kenya ‘War’”, The New York Times, 20.05.1953, https://timesmachine.nytimes.com/timesmachine/1953/05/20/223865372.html?pageNumber=5 (accessed on 31 May 2022))</p>

		<p>“Ein britischer Staatssekretär erklärte auf die Frage, warum man angesichts der gegenwärtigen Lage weiter erhebliche Kapitalinvestitionen in das Land hineinpumpe: ,Wir wissen, dass die Zeit gegen uns ist. Auch fehlt es uns an Lehrkräften, um die Eingeborenen zu erziehen. Wir gründen aber unsere Politik auf Vertrauen, auf Glauben an die Zukunft und die Überlegenheit der weißen Rasse.“ („Das zweischneidige Schwert- Gefahren der britischen Kolonialpolitik“, Frankfurter Allgemeine Zeitung, 17.05.1955, p. 6, https://www.faz-corporate.de/faz-portal/document?uid=FAZH__550517_FAZ_0006_6_0004&token=ed98f4ee-3404-467d-92e6-8c14b4b268d1&p._scr=faz-archiv&p.q=Das+zweischneidige+Schwert-+Gefahren+der+britischen+Kolonialpolitik&p.source=&p.max=10&p.sort=&p.offset=0&p._ts=1654771369375&p.DT_from=01.11.1949&p.timeFilterType=0 (accessed on 9 June 2022))</p> <p>“The picture therefore is’ he [Hon. L. H. Brown, then Acting Director of Agriculture in the Legislative Council] concluded, ‘that if all the land in Kenya were in African hands its productivity would be much lower than at present. In addition the wage bill of over 10,000,- 000 for Africans would not find its way into the pockets of Africans living in the present European Highlands. I need not point out that this wage alone is nearly twice the total value of surplus crops produced in African areas.’” (Hill, The white settler's role in kenya, Foreign Affairs, 38 (4) 1960, p. 638-645)</p>
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	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Mau Mau 9</i>

11. Franco Tunisian War 1952-1954

Key data

Duration: January 1952 – 31.07.1954; Parties: France vs. Tunisia; Initiator: Tunisia.

220 France

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
9 non-applicability of the prohibition on the use of force	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>“With respect to Tunisia, he [the French Minister for Foreign Affairs] said that the UN was excluded from discussing the question by the treaties between France and Tunisia and by the provisions of the UNC. The treaties, concluded between sovereign States, provided that the foreign relations of Tunisia could be conducted only within the framework provided for in the treaties, namely, through France. (...) reforms in Tunisia were to be effected in close and exclusive co-operation with France and on the initiative of France. (...) According to Art. 2 VII UNC, the UN were not authorized to ‘intervene in matters essentially within the domestic jurisdiction of any State or should require the Members to submit such matters to settlement under the Charter” (UNYB 1952, p. 271)</p>

								“the so-called reforms had in no way affected the basic problem and had made no change in French control over Tunisia. They had continued the principle of co-sovereignty and had vitiated the principle of democratic representation by permitting a grossly disproportionate position to the French colonies. ” (UNYB 1953, p. 209, 210)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable							

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	12 other	[civilizing mission] “France had undertaken the task of education and democratic initiation , as provided in the treaties, and was responsible for completing that task” (UNYB 1952, p. 271) “it would be a serious mistake if territories still imperfectly developed were set up as independent States before they were able to meet the heavy responsibilities which that would imply. Premature independence would imperil the legitimate interests of France and of others, which France had undertaken to safeguard , as well as the further development of those territories.” (UNYB 1952, p. 272)

	Code	Material
6. UNSC Reaction	5 no reaction	### Chronology of events in the UNSC: 31 March 1952: introduction of the matter by Pakistan (S/2571) - 2 April 1952, Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Pakistan, the Philippines, Saudi Arabia and Yemen brought the situation to the attention of UNSC, stressing the deterioration and the serious endangering of the maintenance of international peace and security and asking UNSC to consider the matter urgently (Art. 34 UNC) (UNYB 1952, p. 267) - after failure to obtain the requisite

		<i>majority, the draft resolutions and the provisional agenda [on the question of discussing the matter in UNSC] were not adopted (UN YB 1952, p. 270) ###</i>
7. UNGA Reaction	4 no reaction	<i>### Chronology of events in the UNGA: 20 June 1952: On 20 June 1952 Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Pakistan, the Philippines, Saudi Arabia and Yemen requested a special session of UNGA (A/2137) - following a 27 to 10 decision with 2 abstentions, UNGA did not convene a special session (UN YB 1952, p. 270) ###</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p><i>### Disapproving:</i></p> <p>Afghanistan, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, the Philippines, Saudi Arabia, Syria and Yemen: “(…) stated that the French Government’s violation of the 1881 Treaty had deprived the people of Tunisia of their right to self-government and self-determination” (UNYB 1952, p. 267)</p> <p>“(…) the situation in Tunisia has deteriorated and the consequent danger to peace and security has intensified… French authorities are seeking to impose so-called “reforms” on the Tunisian people, without discussion with their true representatives. This is part of the French authorities is likely further to exacerbate an already explosive and dangerous situation.” (A/2137, Letter of 20 June 1952)</p> <p>United States: While considering that the organs of the UN should be available for examining any problems which caused serious friction in international relations, the “US did not wish to pass judgment upon the most recent developments in Tunisia; however it could not condone the use of force by either party” (UNYB 1952, p. 269)</p> <p>Bolivia, Brazil, Canada, Cuba, the Dominican Republic, Greece, Haiti, Israel, New Zealand, Norway, Paraguay, Peru, Sweden, Turkey, the US, Uruguay and Venezuela: “(…) the treaties, moreover, clearly recognized the Tunisian State as a separate entity and made only a limited delegation of powers to France. Tunisia had its own legislation ... A declaration of war by France did not automatically commit Tunisia. Tunisia was considered foreign territory by the French code of military justice.” (UNYB 1952, p. 274)</p> <p>Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, the Philippines, Saudi Arabia, Syria and Yemen: Various times drew attention to the dangerous situation in Tunisia and the measures taken by France, stressing that France only proceeded “on its own choice and only with a so-called Tunisian Government of its own making” (A/2371; UNYB 1953, p. 208)</p> <p>African and Asian countries felt the “domination of weak nations by colonial Powers to lack any moral justification and to be contrary to the spirit of the times” (UNYB 1952, p. 267)</p> <p><i>### Unclear:</i></p>

	<p>United Kingdom: “The representative of the United Kingdom considered that a satisfactory solution of the problem was likely to result only from peaceful negotiations between France and Tunisia, which should be continued. The new Prime Minister was a highly respected figure in Tunisia; the Bey was prepared to negotiate and the French Government had made concrete suggestions for a plan of reform which would lead Tunisia towards internal autonomy.” (UNYB 1952, p. 268, 269)</p> <p>Greece, the Netherlands, Turkey, the US: <i>### while endorsing the principle that it was the task of the UNSC to examine situations which might lead to international friction, they stressed that there were: “still possibilities that the parties might by direct negotiations reach a fair agreement [rather than by UNSC involvement]”</i> (UNYB 1952, 269)</p> <p>Brazil, Chile, China and the USSR: “regarded the situation as a danger to peace” (UNYB 1952, 269)</p> <p>USSR: “Tunisia was a Non-Self-Governing Territory in regard to which France had the obligation to promote to the utmost the well-being of the inhabitants; the French Government, by pursuing an undemocratic policy in Tunisia and by repressing the national policy in Tunisia and by repressing the national liberation movement, had created a situation endangering the maintenance of international peace and security.” (UN YB 1952, 269)</p>
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616 Tunisia

	Code
Law invoked?	2 No

	26 UN 2	Contestation about	Material

1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
1 yes	4 no spec.	<p>“The French authorities in Tunisia have in practice replaced the Tunisian Sovereign in the exercise of this sovereignty and established a system of direct administration (...)” (S/2571, p.3)</p> <p>“In its reply, the French Government affirmed the necessity for “the participation of the French citizens in Tunisia – a foreign colony – in the working of the political institutions of Tunisia. This anti-legal position is in obvious contradiction with the provisions of the Treaty of 12 May 1881 cited above. (...)The French Government impairs the principle of the unity of sovereignty in Tunisia. Further since the bond between France and Tunisia is regarded as ‘definitive’ by the French Government, this latter violates the provisions of the Treaty of 12 March 1881, the provisional character of which is solemnly affirmed (article 2, 2) (...) This attitude of the French Government calls into question the very foundations of Franco-Tunisian relations. Its persistence in maintaining a policy of direct administration in a State which has never abdicated its sovereignty and in opposing democratic institutional reforms is likely to prejudice the development of ‘friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples’” (S/2571, p.4)</p> <p>“a violation by France of the 1948 Universal Declaration of Human Rights.” (S/2571, p. 12)</p>

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
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6. UNSC Reaction	5 no reaction	<i>see France 6</i>
7. UNGA Reaction	4 no reaction	<i>see France 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see France 9</i>

12. Moroccan Independence War 1953-1956

Key data

Duration: 20.08.1953 - 02.03.1956; Parties: France, Spain vs. Morocco; Initiator: France.

220 France

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
9 non-applicability of the prohibition on the use of force	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	UN S/PV/619 , para. 25: “the French Government denies that either the General Assembly or the Security Council is in any way competent to intervene in its relations with either the Regency of Tunisia or the Empire of Morocco. It finds support for its views in the very terms of Article 2 VII UNC, which specifies that “nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State” . Now, though Morocco has remained legally a sovereign State , it has by the Treaty of Fez transferred to France the exercise of its external sovereignty . It cannot have direct relations with any Power other

						<p>than France. It cannot have direct relations with the international community. The relationship binding it to France is internal in character, therefore, from the viewpoint of any other Power and from the viewpoint of the international community. From the viewpoint of any other Power or of that community, the relationship lies essentially within the national and exclusive jurisdiction of France. By the terms of the treaty no dispute between France and Morocco could be referred by Morocco to the judgment either of an international judicial organ or of an international political organ. It is even less possible for any such organ, either of its own accord or at the request of other Powers, to recognize the existence of such a dispute and deal with it.”</p> <p>UN S/PV/619, para. 26 “any matter covered by the treaty of protectorate falls in essence, and by the very terms of the treaty, within the national jurisdiction of France.”</p> <p>UN S/PV/619, para. 28: “It is internal because of the relations between France and Morocco, and equally internal in respect of Morocco alone. Morocco has never ceased to be a sovereign State, and hence all matters relating to its political institutions fall solely within the competence of its Government. France itself can intervene in such matters only where so authorized within the limits laid down in the Treaty of Fez.”</p> <p>UN YB 1953, p. 203: “The French Government considered that such discussion [of the question by UNGA First Committee] represented outright intervention by the UN [sic] in matters which fell essentially within the domestic jurisdiction of France, and thus contravened the provisions of Article 2 VII UNC”</p> <p>UN YB 1953, p. 199: “France had fulfilled the three-fold obligation provided in article 3 of the 1912 Treaty of Fez. It had preserved the personal safety of the Sultan, safeguarded the continuity of the throne and of the Alaouite dynasty, and saved the peace of the Sherifian Empire from an armed internecine conflict.”</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

2.1 Justificatory claim	2. Source of law	Contestation about					Material
		3 facts	4 interpretation	5. exceptional circumstances	6 abstr. gen. level	7 validity	

3 invitation	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	UN S/PV/619, para. 11: “Faced with this danger to his throne, the Sultan turned to France and to France only. Although there was no material obstacle to prevent him from appealing to the United Nations to intervene, he did not do so. Nor did he appeal to those Governments whose representatives have called for this meeting of the Council. He appealed to the French Republic, the protecting Power, and in his representations to the Chief of State and his two manifestations of 6 and 17 August 1953, he requested its aid and protection against the revolt of his subjects”
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	UN S/PV/619, para. 4: „the President of the Security Council was requested (...) to call an urgent meeting of the Council to investigate the international friction and the danger to international peace and security said to have arisen from unlawful intervention by France in Morocco and the overthrow of its legitimate sovereign, and to take appropriate action under the Charter “

		UN S/PV/619, para. 6: „the French Government (...) has refused and refuses on all legal grounds (...) to allow the United Nations to interfere in any way in its relations with the Protected States of Tunisia and Morocco“
7. UNGA Reaction	3 unclear	<p>UNGA Res 812 of 13 December 1954, A/PV.514: “Having examined the Moroccan question ... decides to postpone for the time being further considerations”</p> <p>UN YB 1953, p. 204: “for the Treaty of Fez of 1912, a close scrutiny of it revealed that: (1) the Treaty had been imposed by force; (2) assuming that it was valid, it did not extinguish Morocco as a sovereign State; (3) the rights conferred upon France in Morocco derived from an international treaty, thereby negating the principle of French domestic jurisdiction (...)”.</p> <p>UN YB 1956, p. 110 “admitted Morocco to membership in the UN”</p>
8. ICJ Reaction	4 no reaction	### for clarification: ICJ Rep 1952, p. 176; PCIJ Adv. Op. Of 1921, p. 19 (both too early) ###
9. State Reaction	3 unclear	<p>### Broad refusal of the “purely internal matter”###:</p> <p>UN YB 1953, p. 200; ICJ Rep 1952, p. 176: “the matter did not lie within domestic jurisdiction and Article 2 VII UNC did not therefore apply. Morocco was not a part of France and it had been determined by the ICJ in a judgment dated 27 August 1952 that France did not have jurisdiction to legislate in respect of Morocco. Consequently, it could not be claimed that the internal affairs of Morocco were “essentially” within the domestic jurisdiction of France. Moreover, under the Act of Algieras of 1906, Morocco was a sovereign State and the question therefore was of an international character. Further, the fact that this Act had been signed by twelve States meant that such a fundamental change as the deposition of the Sultan had international implications.”</p> <p>UN YB 1953, p. 200: “The situation was undoubtedly an international one.”</p>

230 Spain

	Code
Law invoked?	2 No

	Contestation about	Material
⊗ ⊞ ⊗ ⊞		

1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	<i>see France 6</i>
7. UNGA Reaction	3 unclear	<i>see France 7</i>
8. ICJ Reaction	4 no reaction	<i>see France 8</i>
9. State Reaction	3 unclear	<i>see France 9</i>

600 Morocco

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	5 no reaction	<i>see France 6</i>
7. UNGA Reaction	3 unclear	<i>see France 7</i>
8. ICJ Reaction	4 no reaction	<i>see France 8</i>
9. State Reaction	3 unclear	<i>see France 9</i>

13. Third Franco-Algerian War 1954-1962

Key data

Duration: 01.11 1954 – 17.03.1962, Parties: France vs. Algeria, Initiator: Algeria.

220 France

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
9 non-applicability of the prohibition on the use of force	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>1.4. Contestation about interpretation <i>### contesting the applicability of the UN regime to the situation in Algeria, specifically protesting its proposed inclusion on the provisional agenda of the UNSC. ###</i></p> <p>“My delegation has taken note of document S/4195 dated 10 July 1959 informing Members of the Security Council of the text of a letter transmitted on 10 July 1959 by the representatives of the twenty-one following countries: [...]</p>

						<p>I must remind you that under the provisions of Article 2 (7) of the Charter, the United Nations is not competent to deal with a matter relating to French national sovereignty. Moreover, on 26 June 1956 the Security Council rejected a request that it should include in its agenda an item concerning the question of Algeria." (S/4197, 14 July 1959, Letter from the Deputy Perm. Rep. of France)</p> <p>"France is doing no more in Algeria than exercising one of the most normal attributes of domestic sovereignty. It is endeavoring to maintain public order which has been disturbed by rebellious citizens; it is trying to prevent, or, if that has proved impossible, to punish the killings, the brutalities, fires and robberies which certain French-Algerians are committing against other French-Algerians, whether Christians or Mohammedans. Is there any need to repeat that it would be the most dangerous of precedents to recognize the right of the United Nations to intervene between the Government of a State and those of its citizens who are disturbing the peace?" (UNSC, 26 June 1956, S/PV.729)</p> <p><i>### The inclusion of the matter in the provisional agenda of the UNSC was rejected 7 votes to 2 with 2 abstentions. In favor: Iran, USSR. Against: Australia, Belgium Cuba, France, Peru, UK, USA. Abstaining: China, Yugoslavia ###</i></p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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<p>5. Legitimacy Claim</p>	<p>2 maintenance of law and order</p>	<p>UNSC, 26 June 1956, S/PV.729, paras. 107ff.:</p> <p>„It was not a colonialist programme which Mr. Guy Mollet outlined on 28 February 1956 when he said: ‘The Franco-Moslem community will be created in free discussion. The Government intends to proceed as soon as possible, once order is restored, to hold fair elections. It will study with freely designated representatives of the whole Algerian people the future structure of the indissoluble Franco-Moslem community.’</p> <p>Is that colonialism? ‘Our aim’, Mr. Christian Pineau, the French Minister for Foreign Affairs said in a recent speech, ‘is to create a new Algeria in which we can fully develop the Franco-Moslem co-operation we desire.’</p> <p>The enemies of freedom and of progress are those who are today burning schools, destroying crops and deliberately preventing by terrorism a return to the normal functioning of democratic institutions.</p> <p>France cannot renounce the aim it has set itself. On 17 June 1956, Mr. René Coty, the President of the French Republic, said at Verdun that France made immense sacrifices in the course of two world wars to maintain its integrity and, he added:</p> <p>‘Tomorrow, on the shores of the Mediterranean, France will not abandon people who are deeply loyal to us to a minority of butchers of women and children which would lead them only to the most terrible relapse into barbarism, fanaticism, anarchy and poverty.’</p> <p>Moreover, is there no danger that such barbarism, fanaticism, anarchy, and poverty might inevitably bring the unfortunate Algerian people under other domination- whether of the left or of the right –which would stifle its democratic aspirations for years to come?</p> <p>Franc is not a colonialist power. It seeks merely to achieve progress for all in peace, as its entire history shows. France does not need to prove itself.”</p>
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	Code	Material
<p>6. UNSC Reaction</p>	<p>5 no reaction</p>	
<p>7. UNGA Reaction</p>	<p>3 unclear</p>	<p><i>### Gradual development from an ambivalent stance towards a position that at least recognizes the right of self-determination of the Algerian people. As the resolutions become more concrete in their assessment of the situation, the voting behavior becomes more divers. ###</i></p> <p>Resolution 1012 (XI), adopted 15 February 1957: [Yes: 75 No: 0 Abstentions: 1 Non-Voting: 4 Total voting membership: 80]</p>

		<p><i>“The General Assembly, having heard the statements made by various delegations and discussed the question of Algeria, Having regard to the situation in Algeria which is causing much suffering and loss of human lives, Expresses the hope that, in a spirit of co-operation, a peaceful, democratic and just solution will be found, through appropriate means, in conformity with the principles of the Charter of the United Nations.”</i></p> <p>Resolution 1184 (XII), adopted 10 December 1957: [Yes: 80 No: 0 Abstentions: 0 Non-Voting: 2 Total voting membership: 82]</p> <p><i>“The General Assembly, having discussed the question of Algeria, Recalling its resolution 1012 (XI) of 15 February 1957,</i></p> <ol style="list-style-type: none"> 1. <i>Expresses again its concern over the situation in Algeria;</i> 2. <i>Takes note of the offer of good offices made by His Majesty the King of Morocco and His Excellency the President of the republic of Tunisia;</i> 3. <i>Expresses the wish that, in a spirit of effective co-operation, pourparlers will be entered into, and other appropriate means utilized with a view to a solution, in conformity with the purposes and principles of the Charter of the United Nations.”</i> <p>Resolution 1573 (XV), adopted 19th December 1960: [Yes: 63 No: 8 Abstentions: 27 Non-Voting: 1 Total voting membership: 99]</p> <p><i>“The General Assembly, Having discussed the question of Algeria, Recalling its Resolution 1012 (XI) [...], Recalling further its resolution 1184 (XII) [...], Noting with regret that the pourparlers contemplated in resolution 1184 (XII) did not materialize, Recalling Article 1, paragraph 2, of the Charter, Deeply concerned with the continuance of hostilities in Algeria, Considering that the present situation in Algeria also constitutes a threat to international peace and security, Recalling its resolution 1495 (XV) of 17th October 1960 by which the General Assembly urges that immediate and constructive steps should be adopted in regard to the urgent problems concerning the peace of the world, Taking note of the fact that the two parties concerned have accepted the right of self-determination as the basis for the solution of the Algerian problem, Recognizing the passionate yearning for freedom of all dependent peoples and the decisive role of such peoples in the attainment of their independence, Convinced that all peoples have an inalienable right of complete freedom, the exercise of their sovereignty and the integrity of their national territory,</i></p> <ol style="list-style-type: none"> 1. <i>Recognizes the right of the Algerian people to self-determination and independence;</i> 2. <i>Recognizes the imperative need for adequate and effective guarantees to ensure the successful and just implementation of the right of self-determination on the basis of respect for the unity and territorial integrity of Algeria;</i> 3. <i>Recognizes further that the United Nations has a responsibility to contribute towards the successful and just implementation of this right.”</i>
8. ICJ Reaction	4 no reaction	-

<p>9. State Reaction</p>	<p>3 unclear</p>	<p>USSR: “Despite a most vigorous effort, [France] failed to obtain from the Soviet Union the support and understanding sought for the Government’s policy in Algeria. The Soviet attitude was reinforced by Khrushchev, [...who] offered a toast “to the Arabs and all others who are struggling for national independence.” (“Moscow rebuffs French on policy in Algerian issue”, The New York Times, 20.05.1956, https://timesmachine.nytimes.com/timesmachine/1956/05/20/issue.html (accessed on 27 June 2022))</p> <p>Saudi-Arabia: <i>### from a letter of the Perm. Rep. of Saudi Arabia to the President of the Security Council, intended to bring the matter to the attention of the Council pursuant to Art. 35 (1) UNCH ###</i> “[...] In the opinion of my Government this situation is likely to endanger the maintenance of international peace and security.[...] During the first week of November last, nationalist uprising expressed itself once more against the repressive and unjust French administration in Algeria. [...] The French Government and authorities at once sought to wipe out this nationalist surge by all means at their disposal. [...] Simultaneously with these extensive military operations the French have been launching their customary brutal colonial oppressive measures. [...] Meager as the press dispatches have been on the Algerian situation, they nevertheless continue to bring alarming news of the approaching bloody operations. [...] The Government and people of Saudi Arabia view the present situation in Algeria with great alarm and deep concern. [...] It is the view of my Government that the situation in Algeria is one which might lead to international friction and is likely to endanger the maintenance of international peace and security.” (S/3341, 5 January 1955, Letter from the Representative of Saudi Arabia to the President of the Security Council)</p> <p>Asian-African group in the United Nations: “The Asian-African group in the United Nations formally decided today to ask the Security Council to take up the warfare between France and the Algerian nationalists. [...] thirteen of the twenty-three nations of the bloc had signified their intention to sign a letter to the Council asking an urgent meeting. [...] The decision followed a series of moves by the group to bring the warfare in North Africa to world attention. On April 16 the bloc sent a letter to the Council deploring the “deteriorating” situation. This communication, however, did not ask for Council action.” (“UN move sought in Algerian war”, The New York Times, 13.06.1956, https://timesmachine.nytimes.com/timesmachine/1956/06/13/issue.html (accessed on 27 June 2022))</p> <p>“We request you [convene a meeting on Algeria] in view of the aggravated situation in Algeria, which has already been brought to the attention of the Security Council last April. In the explanatory memorandum submitted to the President of the Security Council by the representatives of sixteen Member States (document S/3589) it was stated that the situation had deteriorated to the extent that the United Nations could not remain indifferent to the threat to peace and security and the infringement of the basic right of self-determination, and to the flagrant violation of other fundamental human rights.” (S/3609, 18 June 1956, Letter from several Afro-Asian States to the President of the Security Council)</p>
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	<p>“The right of self-determination occupies a position of decisive importance in the structure of the United Nations. [...] It is against this background that the United Nations should consider the deteriorating situation in Algeria, which has become a cause for growing concern.</p> <p>The position in Algeria is the direct result of colonial conquest, and the people of Algeria cannot be said to have exercised their right to self-determination as envisaged in the United Nations Charter. Delay in the exercise of this vital right can only frustrate the legitimate aspirations of the Algerian people, embitter relations between them and the French authorities and lead, as it is in fact doing, to the suppression of other fundamental rights, the retardation of cultural development and the imposition of order by force alone. [...]</p> <p>The employment in this region of massive armed forces totaling over 150,000 and including French troops of the North Atlantic Treaty Organization testifies vividly to the grave situation existing. The continuance of this situation is creating a serious threat to peace in the Mediterranean area. [...]</p> <p>Meanwhile, the twenty-nine countries meeting at Bandung from 18 April to 24 April specifically considered the situation in Algeria. The Conference declared its unanimous support of the right of the Algerian people to self-determination in the following terms:</p> <p>“In view of the unsettled situation in North Africa and of the persisting denial to the peoples of North Africa of their right to self-determination, the Asian-African Conference declared its support of the rights of the people of Algeria, Morocco and Tunisia to self-determination and independence and urged the French Government to bring about a peaceful settlement of the issue without delay.”</p> <p>These unanimous conclusions of twenty-nine countries indicate the deep and widely felt concern of the international community in a prompt solution of the Algerian problem.” (A/2924, 29 July 1955, Explanatory Memorandum to the Letter by Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Thailand and Yemen to the Secretary General)</p> <p>Iran:</p> <p>“It is regrettable that the turn of events in Algeria has rendered a settlement even more difficult. [...], military operations have been expanded, and repressive measures against the Algerian people have been intensified. For some time now, the news from Algeria as reported in the Press, has been more and more alarming. Every day the situation deteriorates. Thus, the hopes for a settlement which we held when we agreed to the postponement of the Algerian question in the GA have proved vain. [...]</p> <p>The refusal of the French Government to take heed of our apprehensions, the intense character of its military operations and the increasing repressive measure finally compelled [us] to submit the matter to the Security Council to enable the Council to examine the situation which, I would emphasize, is already fraught with danger in the sense that it has already created international friction and is capable of further impairing friendly relations among nations. [...]</p> <p>If we take into account the extent of the military operations and the resulting loss of life, we can but conclude that we are faced with a full-scale war, with all its consequences at both the national and the international level. Even if there were any doubts about the status of Algeria, this war would still be a full-scale civil war. Nothing in international law prevents a civil war from assuming, in certain cases, the character of a conflict whose effects go beyond the national level to the international level. [...]</p>
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	<p>Thus it is evident that the war in Algeria with its profound and direct repercussions on Morocco and Tunisia has become a conflict which spreads beyond the limits of the Algerian frontier and may become a threat to peace in these two neighboring countries. [...]</p> <p>The rep. of France has just objected to the inclusion of the Algerian problem, declaring that Algeria is an integral part of France and that the United Nations is therefore not competent to intervene in this question.</p> <p>In this connexion may I point out that Algeria was an independent country before 1830, maintained diplomatic relations, concluded treaties with many States and welcomed the representatives of foreign powers, including the representative of France with which Algeria had concluded a treaty of friendship? It also concluded a treaty of friendship and peace with the United States on 5 September 1772. [...]</p> <p>In 1830, however, French forces landed in Algeria. It was only thirty years later that Algeria was completely conquered and it was not until 1870 that its present status was established. Nevertheless, we must not lose sight of the fact that when France conquered Algeria the sovereignty which was vested in the Algerian people did not disappear; it merely remained dormant and was able to be reawakened by a national movement like the one now taking place. [...]</p> <p>Refusal to allow the people of Algeria the right of self-determination constitutes a violation of the Charter, particularly of Article 1, paragraph 2. The right of peoples to self-determination, which is cited in that paragraph, constitutes one of the fundamental principles of human rights, established by many resolutions of the United Nations, especially resolutions 545 (VI) and 637 (VII) of the GA." (UNSC, 26 June 1956, S/PV.729, page 5 ff.)</p> <p>Cuba:</p> <p>"When France entered the United Nations as a founding Member, Algeria was part of the French State. It was, and still is, an overseas province sending representative to the French Parliament. At the time to which we are referring no other State objected to the admissions of France with Algeria as one of its overseas provinces. [...]</p> <p>From the legal point of view, it is clear that Algeria is an overseas province of France. We feel that it is very dangerous for us to alter at will the precepts of our Charter, because on such basis no Member State would feel secure in our Organization." (UNSC, 26 June 1956, S/PV.730, para. 36)</p> <p>Peru, UK, Belgium:</p> <p><i>### All opposed, for the same previously stated reasons, to include the Algerian question in the agenda of the UNSC at that same 730th meeting of the Council (UNSC, 26 June 1956, S/PV.730) ###</i></p>
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615 Algeria (initially: ### National Liberation Front - F.L.N)

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Law invoked?	1 Yes
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
7 Self-determination	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	<p>“The right of the Algerian people freely to decide its destiny has at last been recognized. This evolution has only been possible because the Algerian people for five years have victoriously resisted one of the bloodiest colonialist wars of reconquest. [...]</p> <p>The right of peoples to decide their fate, contained in the proclamation of the national Liberation front of Nov. 1 1954, has always been the fundamental objective of the Algerian revolution. [...]</p> <p>As written in the United Nations Charter, self-determination – that is, the right of peoples to decide their fate – restores to the Algerian people the exercise of national sovereignty temporarily wrestled from them by a military conquest, from which no legitimacy can proceed.” (“Text of Declaration by Algerian Rebel Government”, The New York Times, 29.09.1959, https://timesmachine.nytimes.com/timesmachine/1959/09/29/83441792.html?pageNumber=8 (accessed on 27 June 2022))</p> <p>„The leader of the Algerian moderates said today he had joined forces with the National Liberation Front in an all-out war for freedom from French rule. [...] “There are no more parties in Algeria”, he told a news conference. “As of this hour, all forces for the liberation of North Africa are one, united under one command. All have become one for the duration of the hostilities against the oppressor. There is but a single force in Algeria, a single indestructible soul. And the National Liberation Front is its voice.”</p> <p>“The National Liberation Front is a responsible force, he declared, and the only organization with which France could negotiate. Mr. Abbas insisted, however, that the French must renounce their claim to Algeria as part of Metropolitan France and recognize the Algerian nation.” (“Moderates Join Algerian Rebels”, The New York Times, 26.04.1956, https://timesmachine.nytimes.com/timesmachine/1956/04/26/86564233.html?pageNumber=1 (accessed on 27 June 2022))</p>

							<p>“Members of the Algerian rebel government held secret meetings with Moslems deep in Algeria last month. They returned with what they consider to be a popular mandate to reject any French offer short of full independence and if necessary to continue the war regardless of cost.” (“Algerians press freedom demand”, The New York Times, 22.11.1958, https://timesmachine.nytimes.com/timesmachine/1958/11/22/83426636.html?pageNumber=1 (accessed on 27 June 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Law	Material
0	0	-

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	<i>see France 6</i>
7. UNGA Reaction	3 unclear	<i>see France 7</i>
8. ICJ Reaction	4 no reaction	-
9. State Reaction	3 unclear	<i>see France 9</i>

14. Off-Shore Islands War 1954-1955

Key data

Duration: 03.09.1954 – 23.04.1955; Parties: China (People's Republic of China), Taiwan (Republic of China); Initiator: China (People's Republic of China).

710 China (People's Republic of China)

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
9 non-applicability of the prohibition on the use of force	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	"In order to ease the tension in the far east, eliminate the threat to the security of china, and put an end to the united states aggression, the government of the peoples republic of china fully supports the resolution submitted by the representative of the soviet union in the united nations security council concerning the "acts of aggression by the united states of america against the peoples republic of china in the area of Taiwan and other islands of china" and is of the firm opinion that the united nations security council should condemn the united states for its acts of aggression against

						<p>china and call upon the united states to stop immediately its aggression against china and intervention in china' s internal affairs and to withdraw all its armed forces from taiwan and the taiwan straits. Taiwan, the penghu islands and other coastal islands are all inalienable parts of china's territory. the chinese peoples exercise of their own sovereign rights in liberating their own territory is entirely a matter of china' s internal affairs and has never caused international tension, nor can it threaten international peace and security." (PRC cablegram to the UN Secretary General, 3 February 1955, S/3358, p. 2)</p> <p>"The 'liberation of Taiwan' would be 'an exercise of China's sovereignty, and it is China's own internal affair.'" (Statement by Zhou Enlai (Premier of the PRC), said in a public radio announcement on 13 August 1954) ("Formosa Capture is Urged by Chou: Chinese Red Leader Calls for Determined Action in Report Adopted by Top Council", The New York Times, 14.08.1954, https://timesmachine.nytimes.com/timesmachine/1954/08/14/84616081.pdf?pdfredirect=true&ip=0 (accessed 30 May 2022))</p> <p>"The liberation of Taiwan is a matter of China's sovereignty and internal affairs. No outside interference is allowed. Article 2 paragraph 7 of the United Nations Charter also explicitly states: 'Nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present Charter.'" (Statement by Zhou Enlai on 24 January 1955) ("Text of Chou's Statement", The New York Times, 25.01.1955, https://timesmachine.nytimes.com/timesmachine/1955/01/25/83349926.html?pageNumber=4 (accessed on 13 June 2022))</p> <p>1.4 Contestation about application <i>### It is contested who is the legitimate government###</i> Republic of China: "I occupy the seat of the Republic of China in the Security Council by virtue of the Charter and in accordance with the rules of procedure. The other régime in Peiping is the outcome of Soviet aggression in my country. It is un-Chinese in origin, un-Chinese in character and un-Chinese in purpose. The Chinese people unanimously repudiate the Communists and deny that they in any way represent the people." (S/PV.689, para. 7)</p>
Letter sent in accordance with Art. 51 UNCh	0 –not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	8 liberation of occupied territory	"the chinese peoples exercise of their own sovereign rights in liberating their own territory is entirely a matter of china's internal affairs and has never caused international tension, nor can it threaten international peace and security." (PRC cablegram to the UN Secretary General, 3 February 1955, S/3358, p. 2)

	Code	Material
6. UNSC Reaction	5 no reaction	### The Soviet Union accused the United States of being illegally involved in the situation in Taiwan and introduced an UNSC draft resolution with letter S/3355 on 30 January 1955. The UNSC debated the inclusion of the agenda and gave preference to a more generic request by New Zealand to debate the situation in the Taiwan Strait. The draft was thus not voted upon. The UNSC also adopted no other Resolution on the matter (UNYB 1954, pp. 43-45; UNYB 1955, pp. 55-59) ###
7. UNGA Reaction	4 no reaction	### On the military dispute: ### In 1954 , the USSR introduced (by A/2756. 15 October 1954) complaints of acts of aggression against the People's Republic of China as an agenda item of the UNGA and accused the US of having committed such acts on the island of Taiwan. The General Assembly transferred the item to the Ad Hoc Political Committee. The Ad Hoc Political Committee considered the item at its 48 th and 50 th meetings on 9 and 10 December 1954 (A/AC.76/SR.48 etc.), but no resolution was passed. – UNYB 1954, pp. 43-45 ### ### On the question which government was competent to represent China in the United Nations: UNGA Res. 903 (IX) . [Yes: 43 No: 11 Abstentions: 6] Question of the representation of China in the General Assembly: Decides not to consider, at its ninth regular session during the current year, any proposals to exclude the representatives of the Government of the Republic of China or to seat representatives of the Central People's Government of the People's Republic of China. (21 September 1954.). A similar Res was adopted on 20 September 1955: UNGA Res. 990 (X) -- Yes: 42 No: 12 Abstentions: 6
8. ICJ Reaction	4 no reaction	

<p>9. State Reaction</p>	<p>3 unclear</p>	<p><i>### FH: Generally speaking, many States rejected the USSR's accusation that the US had committed acts of aggression while communist States supported the USSR's view. In A/AC.76/SR.49, this was the central question being debated, whereas the illegality of acts of the People's Republic of China was not focused on. In any case, the clear divide between communist and non-communist States regarding the competent Chinese government speaks in favor of coding reaction as "unclear". ###</i></p> <p>USSR: "The intervention of the United States of America in the internal affairs of China and the recent extension of acts of aggression by the United States against the people's Republic of China in the area of Taiwan are aggravating tension in the Far East and increasing the threat of a new war" (Letter to the President of the UNSC, 30 January 1955, S/3355) <i>### The same letter also submitted a draft resolution to the UNSC: "Noting also that these acts on the part of the United states armed forces in the area of Taiwan and other Chinese islands constitute flagrant intervention in the internal affairs of China, in violation of the basic principles of the United Nations Charter [...] Condemns these acts of aggression" (Letter to the President of the UNSC, 30 January 1955, S/3355)</i></p> <p><i>### This view was reiterated by the USSR in the ensuing UNSC debate:</i> "The action taken by the Central People's Government of the People's Republic of China to clear its own territory does not constitute a threat to any foreign State and is a domestic affair of China. Any interference by the United States Government with the action taken by the Chinese people to liberate its territory from the Chiang Kai-shek bands can only be regarded as an act of aggression against the People's Republic of China." (689th Meeting, S/PV.689, 31 January 1955)</p> <p>Poland: "In defiance of Article 2, paragraph 7, of the Charter, the United States had prevented the lawful Chinese Government from extending its sovereignty over the entire territory of China. Only by the transfer of Formosa to the Chinese People's Republic, the sole legal Government of China, could existing international obligations be fulfilled. The liberation of Taiwan was important for world peace, just as the United States occupation of that island was a threat to peace." (UNGA, Ad Hoc Political Committee, 50th meeting, 10.12.1954, A/AC.76/SR.50, para. 27)</p> <p>United States: "The forces of the Government of the Republic of China have limited their response to these attacks to operations of a purely defensive character in the immediate vicinity-operations designed to reduce the capacity of the Chinese Communists to continue the attacks." (S/PV.690, para. 12)</p> <p>Colombia: "It was evident from such acts and from the statements made by the Communist leaders that the Chinese Communist Government felt no remorse at having violated the principles of the United Nations Charter." (UNGA, Ad Hoc Political Committee, 49th meeting, 10.12.1954, A/AC.76/SR.49, para. 50)</p>
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713 Taiwan (Republic of China)

	Code
Law invoked?	2 No

1. Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>###We coded this a “no law invoked”. While reference is made to the law, this is not done in relation to any use of force by Taiwan. In any case, the evident connection with previous armed conflict between the two Chinas may have rendered it useless to invoke the law again. ###</p> <p>“As to the recent hostilities off the coast of my country, which are the factual basis for the proposal of the representative of New Zealand, this representative is certainly aware of the fact that these hostilities were started by the Communists on 3 September 1954. [...] The peace of the Far East would not have been disturbed after the defeat of Japan except for one factor, namely, the aggression of the Soviet Union against my country.” (S/PV.690, 31 January 1955, paras 3f.)</p> <p>“The 1.200 Americans stationed on Formosa had no more occupied that island by force than the 35,000 Chinese in New York had occupied that city against the will of the American people. The common feature of both the American colony in Formosa and the Chinese colony in New York was that both communities were unarmed. There were no combat units of the United States on Taiwan any more than there were combat units of the Chinese armed forces in New York. Another respect in which the two communities were identical was that both were on foreign territory at the invitation or with the permission of the Government of that territory. Not a single port, airfield or railway on the island of Taiwan had been seized by the Americans, and the Government of the</p>

						<p>Republic of China was in full control of and exercised sovereignty over all parts of that territory.” (UNGA, Ad Hoc Political Committee, 49th meeting, 10.12.1954, A/AC.76/SR.49, para. 2)</p> <p>1.4 Contestation about application <i>### It is contested who is the legitimate government###</i> People’s Republic of China: “what is especially intolerable is the fact that the peoples republic of china, representing the six hundred million chinese people, is up to now still deprived of its legitimate position and rights in the united nations, while the representatives of a small handful of remnants of the traitorous chiang kai -shek clique, repudiated long ago by the chinese people, continue to usurp the position of representing china in the united nations.” (PRC cablegram to the UN Secretary General, 3 February 1955, S/3358, p. 3)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
1 yes	4 no spec.	“As to the recent hostilities off the coast of my country, which are the factual basis for the proposal of the representative of New Zealand, this representative is certainly aware of the fact that these hostilities were started by the Communists on 3 September 1954. [...] The peace of the Far East would not have been disturbed after the defeat of Japan except for one factor, namely, the aggression of the Soviet Union against my country.” (S/PV.690, 31 January 1955, paras 3f.)

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	<i>see China 6</i>
7. UNGA Reaction	4 no reaction	<i>see China 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see China 9</i>

15. Sinai War 1956

Key data

Duration: 29.10.1956 – 06.11.1956; Parties: France, Israel, United Kingdom vs. Egypt; Initiator: Israel.

666 Israel

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	<p>(33) "At this morning's meeting I defined the objective of the security measures which the Israel defense forces have felt bound to take in the Sinai Peninsula in the exercise of our country's inherent right of self-defense. The object of those operations is to eliminate the Egyptian Fedayeen bases from which armed Egyptian units, under the special care and authority of Mr. Nasser, invade Israel's territory for purposes of murder, sabotage and the creation of permanent insecurity to peaceful life."</p> <p>(36, 37) "In recent months and days the Government of Israel has had to face a tormenting question: Do its obligations under the United Nations Charter require us to resign ourselves to the existence</p>

						<p>of uninterrupted activity to the south and north and east of our country, of armed units practicing open warfare against us and working from their bases in the Sinai Peninsula and elsewhere for the maintenance of carefully regulated invasions of our homes, our lands and our very lives, or, on the other hand, are we acting in accordance with an inherent right of self-defence when having found no other remedy for over two years, we cross the frontier against those who have no scruple or hesitation in crossing the frontier against us? [...] The system of waging war against Israel by Fedayeen units is the product of Mr. Nasser's mind. ...After intensive preparation during the spring and summer of 1955, this new weapon was launched in August of that year [...]. The Government of Egypt made no secret of these activities or of its responsibility for them.”</p> <p>(45) “These, then, are the documents which mark the origin, over a year ago, of the fedayeen movement. United Nations authorities repeatedly condemned these activities; designated them as aggressions; held the Egyptian Government responsible for them; called for their cessation.”</p> <p>[Examples]</p> <p>(94) “It cannot be seriously suggested that these activities are not the direct responsibility of the Government of Egypt.”</p> <p>(Representative of Israel, UNSC 749th meeting, 30 October 1956, S/PV.749)</p> <p>(105) “On Monday, 29 October the Israel defence forces tool security measures in the Sinai peninsula in the exercise of Israel's inherent right of self-defense. The object of these operations is to eliminate the bases from which armed Egyptian units under the special care and authority of Mr. Nasser invade Israel's territory for purposes of murder, sabotage and the creation of permanent insecurity to peaceful life.”</p> <p>(144-148) “It was in these circumstances that the Government of Israel faced the tormenting problems of its duties and obligations under the Charter of the United Nations. We are not satisfied with a justification of our actions in pure terms of national expediency. [...] It was with full knowledge of this fact that we have been forced to interpret Article 51 of the Charter as furnishing both a legal and a moral basis for such defensive action as is literally and specifically applicable to the dangers which we face. Under Article 51 of the Charter, the right of self-defence is described as “inherent”; in the French translation it is “naturel”. It is something which emerges from the very nature of a State and of humanity. This inherent right of self-defence is conditioned in the Charter by the existence of armed attacks against a Member State. Can anyone say that this long and uninterrupted series of encroachments did not constitute in its totality the essence and the reality of an armed attack? Can it seriously be suggested that we made no attempt to exhaust peaceful remedies? “</p> <p>(Representative of Israel, Mr. Eban, UNGA First Emergency Special Session, A/PV.562)</p>
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						<p>### The next statement indicates a subjective interpretation of the provisions of the UN-Charter as authoritative. That, taken further, would lead to a contestation of the validity of Art. 2 (4). However, the statement at hand is not sufficiently clear to code it that way. ###</p> <p>(147, 148) “I have mentioned the problem of opinion. It is perhaps natural that a country should interpret its own obligations for the preservation of security more stringently than those who enjoy greater security far away. If we have sometimes found it difficult to persuade even our friends in the international community to understand the motives for our action, this is because nobody in the world community is in Israel’s position. How many other nations have had hundreds of their citizens killed over these years by the armed action of armies across the frontier? How many nations have had their ships seized and their cargoes confiscated in international waterways? How many nations find the pursuit of their daily tasks to be a matter of daily and perpetual hazard? In how many countries does every single citizen going about his duties feel the icy wind of his own vulnerability? It might perhaps require an unusual measure of humility and imagination for others to answer the question how they would have acted in our place. Nobody else is in our place and is therefore fully competent to equate the advantage and the disadvantage of our choice. The government of Israel is firmly convinced that it has done what any other nation would have done in our place, with the reservation that many would have done it earlier and perhaps with greater impact of resistance.” (Representative of Israel, Mr. Eban, UNGA First Emergency Special Session, A/PV.562)</p> <p>1.4. Contestation about application ## Contestation about interpretation because Israel claims that acts of the Fedayeen are attributable to Egypt and have reached the level of an armed attack. The dispute is not on the factual level – fedayeen attacks took place undoubtedly – rather on the question whether they can be seen as an armed attack by Egypt. ###</p> <p>1.6. Contestation about general/abstract scope ### Contestation on abstract general level because it implies the possibility of self defence against non-state actors or at least presents its own view on the question of attribution. ###</p> <p>“On Sunday last, three Fedayeen units from Egypt created the latest breach of the peace by invading the territory of Israel from Egypt. [...] On the evening of 29 October, Israel took security measures to eliminate the Egyptian Fedayeen bases in the Sinai Peninsula.” (Representative of Israel, UNSC 748th meeting, 30 October 1956, S/PV.748, p.11)</p>
Letter sent in accordance with Art. 51 UNCh	2 no	### No letter was sent, however meetings of the UNSC under active participation of Israel (S/PV. 748; S/PV.749; S.PV/750; S/PV.751) were immediately convened, thus the purpose of the requirement is fulfilled. ###				

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	4 unclear + veto	<p>### US and USSR draft Resolutions to call for a ceasefire and withdrawal of Israeli troops from Egypt were debated in S/PV.748, S/PV.749 and S/PV.750 but rejected by UK and French veto [rejection of USSR draft, see S/PV.750, para. 33: UK, France voting against; US, Belgium abstaining – rejection of US draft, see S/PV.749, para. 186: UK, France voting against; Australia, Belgium abstaining]. ###</p> <p>Draft Resolution by the United States, S/3710: “Noting that the armed forces of Israel have penetrated deeply into Egyptian territory in violation of the armistice agreement between Egypt and Israel, Expressing its grave concern at this violation of the armistice agreement, 1. Calls upon Israel immediately to withdraw its armed forces behind the established armistice lines” ### The USSR draft was similar ###</p> <p>### Referral to the UNGA under the Uniting for Peace Resolution: At the next meeting (S/PV.751), S/RES/119 (1956) was adopted to convene the First Emergency Special Session of the UNGA: “Considering that a grave situation has been created by action undertaken against Egypt, Taking into account that the lack of unanimity of its permanent members at the 749th and 750th meetings of the Security Council has prevented it from exercising its primary responsibility for the maintenance of international peace and security, Decides to call an emergency special session of the</p>

		<i>General Assembly, as provided in General Assembly Resolution 377 A (V) of 3 November 1950, in order to make appropriate recommendations.” – adopted by 7 votes to 2 (France, UK) with 2 abstentions (Australia, Belgium) ###</i>
7. UNGA Reaction	2 disapproves	<p>Emergency Special Session from 1 to 10 November 1956: UNGA A/Res/997 (ES-I), adopted 2 November 1956 [Yes: 64 No: 5 Abstentions: 6 Non-Voting: 1] “Noting the disregard on many occasions by parties to the Israel-Arab armistice agreements of 1949 of the terms of such agreements, and that the armed forces of Israel have penetrated deeply into Egyptian territory in violation of the General Armistice Agreement between Egypt and Israel of 24 February 1949, Noting that armed forces of France and the United Kingdom of Great Britain and Northern Ireland are conducting military operations against Egyptian territory, [...] Expressing its grave concern over these developments,</p> <ol style="list-style-type: none"> 1. Urges as a matter of priority that all parties now involved in hostilities in the area agree to an immediate cease-fire and, as part thereof, halt the movement of military forces and arms into the area; 2. Urges the parties to the armistice agreements promptly to withdraw all forces behind the armistice lines, to desist from raids across the armistice lines into neighboring territory, and to observe scrupulously the provisions of the armistice agreements.” <p><i>### In A/Res/998 (ES-I), the UNGA then requested the UN Secretary General to set up an emergency international United Nations Force (to become known as the United Nations Emergency Force, UNEF) ###</i></p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p>Approving France: “It was inevitable in these circumstances that Israel, faced with a policy so diametrically opposed to the Charter, should at some given moment feel compelled to react. A recent conference between the Chiefs of Staff of the Egyptian, Jordanian and Syrian armies only heightened the tension by conjuring up the threat of a concerted attack. Yesterday, three <i>fedayeen</i> raids took place near Aqaba. The Israel army struck back hard; it took up their pursuit; and the rest of the story we know. For all the reasons I have just stated we feel in all fairness that it is not possible to condemn Israel.” (S/PV.749, paras. 170 - 173)</p> <p>Disapproving USSR: “The available facts are evidence that Israel has committed aggression against Egypt. Israel has attacked with massed forces in the area of the Sinai Peninsula and penetrated Egyptian territory to a considerable depth.” (S/PV.748, para. 29)</p> <p>Yugoslavia: “The Security Council has met to consider what is clearly a flagrant act of aggression within the meaning of Article 39 of the United Nations Charter. [...] Israel troops have moved deep into Egyptian territory and fighting is in progress.” (S/PV.748, 30 October 1956, para. 21)</p>

	<p>“To make matters even more strange, this threat of force is primarily directed against the country which is the victim of aggression. Egypt is being enjoined to waive its inherent right of self-defence as set forth in Article 51 of the United Nations Charter. Egypt is also being summoned to acquiesce in the occupation of part of its territory by two foreign Powers.” (S/PV.749, 30 October 1956, para. 26)</p> <p>United States: “It comes as a shock to the United States Government that this action should have occurred less than twenty-four hours after President Eisenhower had sent a second earnest personal appeal to the Prime Minister of Israel urging Israel not to undertake any action against its Arab neighbors, and pointing out that we had no reason to believe that those neighbors had taken any steps justifying Israel’s action of mobilization.” (S/PV.748, 30 October 1956, p. 2)</p> <p>“Noting that the armed forces of Israel have penetrated deeply into Egyptian territory in violation of the armistice agreement between Egypt and Israel [...]. Calls upon all Members (a) to refrain from the use of force or threat of force in the area in any manner inconsistent with the Purposes of the United Nations [...]” (US Draft Resolution for the UNSC, S/3710)</p> <p>“While I should be the last to say that there can never be circumstances where force may not be resorted to, and certainly there can be resort to force for defensive purposes under Article 51 of the Charter, it seems to us that, in the circumstances which I have described, the violent armed attack by three Members of the United Nations upon a fourth cannot be treated as anything but a grave error inconsistent with the principles and purposes of the Charter; an error which, if persisted in, would gravely undermine this Organization and its Charter.” (A/PV.561, para. 150)</p> <p>Other States:</p> <p>China: “I think that the action taken by Israel, in the first place, makes the situation worse than before. In the second place, the action taken by Israel is disproportionate to the wrongs that Israel says it has suffered.” (S/PV.749, 30 October 1956, p. 22)</p> <p>Ceylon: (51) “We meet today in a situation of extreme danger to international peace. The territory of a Member nation has been subjected to armed attack by three Powers. Two of these are permanent members of the Security Council charged with the responsibility of maintaining peace in the world. All three Powers, as Members of the United Nations, have pledged themselves to uphold in spirit and in letter the principles embodied in the Charter of the United Nations.” (54) “What seems to be deplorable is the fact that two members of the Security Council, instead of joining in efforts to halt the initial aggressor, have themselves committed a further act of aggression-all this in the name of peace.” (A/PV.561)</p> <p>Jordan: “We meet today to consider an exceedingly grave situation that has been created by a premeditated, unprovoked open aggression against Egypt. The champions of this aggression carried out their plan in complete, disregard of human intelligence,</p>
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	<p>apart from their violations of their international undertakings, of the principles of the United Nations Charter and of the standards of civilization." (A/PV.562, para. 18)</p> <p>Colombia: "We do not want to embark on a discussion of the rights which Israel, France and the United Kingdom may or may not have. They may indeed consider themselves entitled to demand compliance with the treaties of 1888 or 1949, but, as far as the United Nations is concerned, those rights, whatever they may be, must never be secured by the use of force." (A/PV.562, para. 30)</p> <p><i>### In A/PV.562, several other States qualified Israeli action, and that of France and the UK, as aggression. ###</i></p>
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651 Egypt

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>"Israel has just committed the most serious act of armed aggression since the conclusion of the armistice agreements between the Arab countries and Israel. [...] This armed, unprovoked and, as the distinguished President of the United States emphasized in a recent statement, wholly unjustified attack on Egypt after Israel had ordered general mobilization, constitutes an act of war and demonstrates beyond any doubt the aggressive and expansionist aims of Israel's policy. Despite repeated condemnations by the Security Council Israel is persisting in this policy of aggression and is violating the decisions of the United Nations, although it owes its very existence to the United Nations. (...) In the exercise of its natural right of self-defence, Egypt has been obliged to take the necessary steps to defend its territory and halt the invader. Egypt took these measures only after</p>

						<p>Israel troops had invaded its territory with large armed forces supported by aircraft and tanks. Egypt has had to use force to repel the enemy.” (Representative of Egypt Mr. Loutfi, UNSC 748th meeting, 30 October 1956, S/PV.748, paras. 65-67)</p> <p>“In the meantime and until the Security Council has taken the necessary measures, Egypt has no choice but to defend itself and safeguard its rights against such aggression.” (Letter to the UNSC president, 30 October 1956, S/3712)</p> <p>“In any case, there is no justification for the threats by the British and French Governments to use force and to occupy towns in Egyptian territory. This is an act constituting a flagrant violation of the rights of Egypt and of the United Nations Charter. The use of force can only be rendered lawful by a decision of the Security Council, which the Member States have vested with the sovereign responsibility for the maintenance of international peace and security. (...)</p> <p>“I call upon the Security Council, which is responsible for the maintenance of international peace and security, to face its responsibilities. Meanwhile, until such time as the Security Council has taken the necessary measures, Egypt has no choice but to defend itself and to protect its rights against aggression of this kind.” (Representative of Egypt Mr. Loutfi, UNSC 750th meeting, 30 October 1956, S/PV.750, paras. 47ff.)</p> <p>“As I told you yesterday [referring to S/PV.750, para. 49], the Egyptian Government has no choice, in the meanwhile and until the Security Council has taken the necessary action, but to defend itself and to safeguard its right against such aggression. We shall maintain this attitude in conformity with the Charter which authorizes us to defend ourselves in order to repel the invaders. This is Egypt's attitude which remains consistent with the provisions of the United Nations Charter.” (Representative of Egypt Mr. Loutfi, UNSC 751st meeting, 31 October 1956, S/PV.751, para. 24)</p> <p>“During the night of 29 October 1956, Israel committed the most serious act of unprovoked armed aggression that has taken place since the conclusion of the armistice agreements. This time, it was not a reprisal raid. It was a premeditated, carefully prepared armed attack for the purpose of occupying part of Egyptian territory and provoking war in that area.” (Representative of Egypt Mr. Loutfi, UNGA First emergency special session, 1 November 1956, A/PV.561, para. 26)</p> <p>“Egypt, a peaceful country subjected to brutal armed attack, in violation of the United Nations Charter, by two great countries, permanent members of the Security Council, is defending itself and will continue to do so.” (Representative of Egypt Mr. Loutfi, UNGA First emergency special session, 3 November 1956, A/PV.563, para. 14)</p>
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						<p>1.4. Contestation of interpretation – no previous use of force by Egypt ### Contestation about interpretation because Egypt denies to have previously carried out an armed attack by itself (threw the fedayeen) and is thus entitled to self-defense. ###</p> <p>“I do not propose to reply to Mr. Eban for a simple reason. Mr. Eban talked to us at length about the <i>fedayeen</i>. So far as I know, the item we are discussing today, which was submitted by the United States representative, is worded: ‘Steps for the immediate cessation of the military action of Israel in Egypt’. As for the offensive terms and insults which Mr. Eban has seen fit to direct at Egypt's leaders in connexion with the armed aggression committed by Israel, I shall not follow the example he has set. I shall not even answer him.” (Representative of Egypt Mr. Loutfi, UNSC 749th meeting, 30 October 1956, S/PV.749 paras. 110, 111)</p> <p>(44) “Egypt has been the victim of aggression; its territory has been invaded; and as I had the honour to inform you this morning, it has been obliged to take the necessary measures and to use force to repel the aggressors invading its territory. But it did not resort to force until the Israel troops had actually entered Egyptian territory in large numbers, equipped with tanks and aircraft.” (Representative of Egypt Mr. Loutfi, UNSC 750th meeting, 30 October 1956, S/PV.750)</p>
<p>Letter sent in accordance with Art. 51 UNCh</p>	<p>2 no ### No letter was sent. However, Egypt made a statement in the Security Council ###</p> <p>(24) “As I told you yesterday [referring to S/PV.750, para. 49], the Egyptian Government has no choice, in the meanwhile and until the Security Council has taken the necessary action, but to defend itself and to safeguard its right against such aggression. We shall maintain this attitude in conformity with the Charter which authorizes us to defend ourselves in order to repel the invaders. This is Egypt's attitude which remains consistent with the provisions of the United Nations Charter.” (Representative of Egypt Mr. Loutfi, UNSC 751st meeting, 31 October 1956, S/PV.751)</p>					
<p>4. Invocation of use of force by a victim state</p>	<p>.1 Source</p>	<p>Material</p>				

0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	4 unclear + veto	<i>see Israel 6</i>
7. UNGA Reaction	3 unclear	<i>### While A/Res/997 (ES-I) (see Israel 7) refers to Israeli action as a violation of the armistice agreement, it does not provide clear approval of Egyptian use of force. Rather it calls for a general cease-fire. ###</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Israel 9</i> <i>### While the vast majority of States only condemn the use of force against Egypt they do not address the acts taken by Egypt ###</i>

200 United Kingdom

	Code
Law invoked?	1 Yes

	2	Contestation about	Material

1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
11 Intervention below the threshold of force	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>“What does constitute and what does not constitute an act of aggression is, as we all know, a matter for debate. My Government and the French Government are accused of committing an act of aggression. This is a very serious charge to make in the Security Council, bearing in mind the provisions of Chapter VII of the Charter. We strongly deny such charges and do not think it will be profitable for the Council to discuss them. What does constitute and what does not constitute an act of aggression is, as we all know, a matter for debate. But the matter which the Council should consider today and on which we ask for the Council's understanding support is a temporary intervention by the two Governments that are in a position to restore peace and order effectively and speedily in an area of the world where a major conflagration threatens us. Our intervention is not aimed at the sovereignty of Egypt, still less at the territorial integrity of Egypt.” (Representative of the UK, Sir Dixon in UNSC, 751st meeting, 31 October 1956, S/PV.751, para. 50)</p> <p>“The action taken by m Government of France has been called an act of aggression against Egypt. This is a charge which we emphatically deny. There is much debate about what constitutes aggression, but it is certainly not true to say that every armed action constitutes aggression. Every action must clearly be judged in the light of the circumstances in which it has taken place and the motives which have prompted it. The action of France and the United Kingdom is not aggression. We do not seek the domination of Egypt or elf any part of Egyptian territory. Our purpose is peaceful, not warlike. Our aim is to re-establish the rule of law, not to violate it; to protect, and not to destroy. What we have undertaken is a temporary police action necessitated by the turn of events in the Middle East (...)” (Representative of the UK, Sir Dixon in UNGA First emergency special session, 1 November 1956, A/PV.561, paras. 100f.)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

2	Contestation about	Material
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2.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
12 Other (Protection of vital national interests)	4 no spec.	2 No	1 Yes	2 No	1 Yes	2 No	<p>“As is well known, Great Britain and France are the main users of this Canal, and our vital interests could be endangered if free passage were interrupted. I need not go far back into the past, but I should like to recall that the circumstances in which the Canal was seized were circumstances in which violence and resort to illegal methods were employed. We have a right to defend these vital interests, and we believe, moreover, that in so doing we are also defending the interests of all nations, and there are many, whose economies depend on this great international right of way.” (Representative of the UK, Sir Dixon in UNSC, 751st meeting, 31 October 1956, S/PV.751, paras. 46-47)</p> <p>“What we have undertaken is a temporary police action necessitated by the turn of events in the Middle East and occasioned by the imperative need not only to protect the vital interests of my own and many other countries, but also to take immediate measures for the restoration of order.” (Representative of the UK, Sir Dixon in UNGA First emergency special session, 1 November 1956, A/PV.561, para. 101)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	3 maintenance of regional stability	<p>(6) "The first consideration is that the fighting between Israel and Egypt must stop. The second consideration is that, unless hostilities can quickly be stopped, free passage through the Suez Canal will be jeopardized-that free passage on which the economic life of 50 many nations depends."</p> <p>(11) "I trust that the great majority of the members of the Council will agree that the action which the French Government and Her Majesty's Government have taken is in the general interest and in the interest of security and peace". (Representative of the UK, Sir Dixon in UNSC, 749th meeting, 30 October 1956, S/PV.749)</p> <p>(39) "This intervention, as I hope to show in the course of my remarks, has as its overriding purposes the safeguarding of the Suez Canal and the restoration of peaceful conditions in the Middle East."</p> <p>(46, 47) "As is well known, Great Britain and France are the main users of this Canal, and our vital interests could be endangered if free passage were interrupted. [...] We have a right to defend these vital interests, and we believe, moreover, that in so doing we are also defending the interests of all nations, and there are many, whose economies depend on this great international right of way."</p> <p>(47, 48) "Our other purpose, as I have made abundantly clear, has been, and remains, to prevent an armed clash between Israel and Egypt leading to a general conflagration (...). Our intervention is a temporary measure which we are obliged to take in the absence of any effective collective machinery for restoring peace and order in a matter of such extreme emergency."</p> <p>(50, 51) "But the matter which the Council should consider today and on which we ask for the Council's understanding support is a temporary intervention by the two Governments that are in a position to restore peace and order effectively and speedily in an area of the world where a major conflagration threatens us. Our intervention is not aimed at the sovereignty of Egypt, still less at the territorial integrity of Egypt. I sincerely trust that (...) the Council, looking at this very grave situation in all its aspects, will give sympathetic support to what we are trying to do in the interests of preserving peace and order." (Representative of the UK, Sir Dixon in UNSC, 751st meeting, 31 October 1956, S/PV.751)</p> <p>(99) "The overriding purposes are: the safeguarding of the Suez Canal and the restoration of peaceful conditions in the Middle East. (...) It is our intention that our action to protect the canal, to terminate hostilities and to separate the combatants should be as short as possible in duration."</p> <p>(101) "What we have undertaken is a temporary police action necessitated by the turn of events in the Middle East and occasioned by the imperative need not only to protect the vital interests of my own and many other countries, but also to take immediate measures for the restoration of order." (Representative of the UK, Sir Dixon in UNGA First emergency special session, 1 November 1956, A/PV.561)</p> <p><i>## As temporary protection due to the inability of the UNSC##</i></p> <p>(9, 10) "How can we have confidence, much as we should like to, that some future injunction by the Security Council would in fact prove effective to deal, in time - and time is of the essence - with a situation which is rapidly getting out of control? I need</p>

		<p>hardly remind the Council that unfortunately those provisions of the Charter which provided that the Council should have a military arm have never been put into effect.”</p> <p>(140) “A further consideration is the question of urgency. If we felt that the Security Council could in fact at this moment separate the parties and protect the Canal, of course we would rather proceed in that way. But in spite of the views which have been expressed to the contrary, I think I must make this point again: we feel grave doubt whether in fact action could be taken in this Council with sufficient speed. Events are moving fast, too fast for words even from this Council to have the right effect.”</p> <p>(Representative of the UK, Sir Dixon in UNSC, 749th meeting, 30 October 1956, S/PV.749)</p> <p>(69) “The sudden Israel mobilization and incursion into Egypt made it imperative to, take very speedy and effective measures to prevent a war between Israel and Egypt which could only lead to a general conflagration throughout the Middle East and which would, in its train, have involved prolonged disruption of free passage through the Suez Canal, the canal which is of such vital interest to so many nations.”</p> <p>(74) “With regret, I say that the Security Council, in our opinion, could have provided no effective remedy in time.”</p> <p>(76) “It is precisely because of this unhappy limitation in the effective powers of the Security Council to deal with such an emergency that the United Kingdom and French Governments were compelled to intervene at once, as they were fortunately in a position to do.” (Representative of the UK, Sir Dixon in UNGA First emergency special session, 1 November 1956, A/PV.561)</p>
5.2	9 Protection of Nationals	<p>(141) “There is also another consideration. In Egypt there are many thousands of British and French nationals. The chain of events which began with the Israel moves into Egypt has developed into hostilities and hostilities have created a disturbed situation. In those circumstances, British and French lives must be safeguarded.” (Representative of the UK, Sir Dixon in UNSC, 749th meeting, 30 October 1956, S/PV.749)</p>

	Code	Material
6. UNSC Reaction	3 unclear	<p><i>See Israel 6</i></p> <p>### This is not coded as unclear + veto because the UK and French vetoes were used prior to their own intervention. After the intervention had started, only the Res transferring the matter to the UNGA was adopted – therefore UNSC reaction is unclear. ###</p>
7. UNGA Reaction	3 unclear	<p>### While A/Res/997 (ES-I) (see Israel 7) refers to Israeli action as a violation of the armistice agreement, it simply notes the presence of British troops in Egypt. ###</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p><i>See Israel 9.</i></p> <p><i>Additional:</i></p> <p>USSR:</p> <p>(32) “It is now abundantly clear that Israel’s invasion of Egypt was planned to provide a pretext for joint action by the United Kingdom and France to seize the Suez Canal by force of arms.”</p>

	<p>(57, 58) "It is obvious that this action by the United Kingdom and France is completely incompatible with the United Nations Charter (...). The movement of United Kingdom and French forces into the Suez Canal area can be regarded only as a totally unjustified act of armed aggression [...]." (UNSC 750th meeting 30 October 1956, S/PV.750)</p> <p>(11) "The action of the United Kingdom and France, who have unleashed aggression against Egypt, represents a gross violation of the obligations they have assumed under the United Nations Charter. The Charter requires Members of the United Nations to refrain in their international relations from the threat or use of force. France and the United Kingdom, in their action against Egypt, have not only threatened to use force, but are now bombing Egyptian settlements from the air and are disembarking their armed forces in the territory of Egypt, a Member of the United Nations; that is to say, they are using force in violation of the United Nations Charter." (UNSC, 751st meeting, 31 October 1956, S/PV.751)</p> <p>Yugoslavia:</p> <p>(25) "While the Security Council, the organ of the United Nations which bears primary responsibility for the maintenance of international peace and security, is considering the action to be taken in the face of Israel aggression against Egypt, two Member States of the United Nations have apparently decided to embark upon what can only be described as the unilateral application of force. They have done so clearly without any kind of authorization from the United Nations and even without any foundation in their own specific treaty commitments, which, in any case, could not prevail over their obligations under the United Nations Charter." (UNSC, 749th meeting, 30 October 1956, S/PV.749)</p> <p>(30) "Thus for the second time within a little more than twenty-four hours the Security Council is faced with a clear-cut case of aggression. The two acts of aggression have actually been so perfectly and so obviously synchronized, their motives fit in so completely, that it is impossible to view them as two separate cases of aggression. What is taking place is a joint aggression by Israel, France and Great Britain against Egypt." (UNSC, 751st meeting, 31 October 1956, S/PV.751)</p> <p>Pakistan:</p> <p>(77) "I have to say that we feel in great pain while our brothers in faith in Egypt are being killed. I have to say how angry we feel against the aggression committed by Israel against Egypt. I also have to say how unwarranted we feel the attack made by the United Kingdom and France against Egypt-the United Kingdom and France, with whom my country has such traditional and sacred ties." (UNGA First emergency special session, 1 November 1956, A/PV.562)</p> <p>India:</p> <p>(236, 237) "Let me say immediately that I do not propose at this late hour to engage in a discussion on the remarks of the representatives of France and the United Kingdom, except to say that if they would only re-read parts of their speeches side by side with the Charter, they would be amazed at the wide gulf between the two sets of documents and would find no support or sanction whatsoever for their self-imposed role of policemen in the Middle East. (...) At this very moment, the people and the Government of Egypt are the victims of a triple invasion, and our deepest feelings go out to them in sympathy." (UNGA First emergency special session, 1 November 1956, A/PV.562)</p>
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220 France

	Code
Law invoked?	1 Yes

1. 1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
11 Intervention below the threshold of force	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>(61-63) “The Governments of France and the United Kingdom therefore considered that there existed a serious threat to the Suez Canal and that, unless swift, effective and decisive action was taken immediately, we ran the risk that traffic through the Canal would be seriously impeded for an indefinite period. Now free passage through the Suez Canal is a matter of vital importance to most countries of the world. The Governments of France and the United Kingdom took the view that it was their duty to take all necessary steps, even if these steps should, at first, be misunderstood by certain of their friends, in order to safeguard and maintain free passage through the Canal against any interference. (...) The French Government stresses the temporary character of the presence of its troops in the Canal Zone and emphasizes that it does not intend to infringe upon Egyptian sovereignty in any way. Like the United Kingdom Government, the French Government cannot accept the accusation that it has acted in a manner contrary to the principles of the Charter. Its decision was taken for the sole purpose of re-establishing order, as effectively as possible, in the Canal region before it was too late.” (Representative of France in UNSC, 751st meeting, 31 October 1956, S/PV.751)</p> <p>(12) “I wish to state that the French delegation associates itself with what has just been said by the United Kingdom representative”. [<i>Statement of the UK in paras. 2 -11 in S/PV.751</i>]</p> <p>(174) “In order to ensure that the cease fire is effective, the French and United Kingdom Governments have also asked that they should be allowed to move temporarily into key positions in the Canal zone. This request is fully justified by past experience. It is designed to ensure effective separation of the belligerents and also to guarantee freedom of transit through the Canal. These</p>

							measures should lead to the immediate cessation of hostilities." (Representative of France in UNSC, 749 th meeting, 30 October 1956, S/PV.749)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	3 – Maintenance of regional stability	<p>"The French Government considers that the measures it has decided upon, in conjunction with the United Kingdom Government, are such as to avert the danger of hostilities and put an end to the fighting. In order to guarantee the effectiveness of the cease-fire, the French and United Kingdom Governments have also asked that they should assume provisionally – I repeat "provisionally" - control of certain key positions along the Canal. The purpose of this request is to guarantee the effective separation of the combatants; and also to protect freedom of passage through the Suez Canal, since it is absolutely essential to maintain this freedom of passage." (Representative of France, UNSC, 750th meeting, 30 October 1956. S/PV.750, p. 12)</p> <p><i>see France 1.1</i> (Representative of France in UNSC, 751st meeting, 31 October 1956, S/PV.751)</p> <p><i>see France 1.1</i> (Representative of France in UNSC, 749th meeting, 30 October 1956, S/PV.751)</p>

	Code	Material
6. UNSC Reaction	3 unclear	<i>see Israel 6 and United Kingdom 6</i>
7. UNGA Reaction	3 unclear	<i>### While A/Res/997 (ES-I) (see Israel) refers to Israeli action as a violation of the armistice agreement, it simply notes the presence of French troops in Egypt ###</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<i>see Israel 9 and United Kingdom 9</i>

16. Soviet Invasion of Hungary 1956

Key data

Duration: 04.11.1956 – 14.11.1956; Parties: Union of Soviet Socialist Republics (USSR) vs. Hungary; Initiator: USSR.

365 USSR

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	1 Yes	1 Yes	2 No	2 No	2 No	<p><i>Prior to the 4 November invasion:</i> „In defense of the democratic people’s regime, the Hungarian Government was compelled to bring its armed forces into action for the liquidation of the counter-revolutionary uprising, and it appealed to the Government of the Soviet Union for assistance.” (S/PV.746, 28 October 1956, para. 20)</p> <p>“The Hungarian Government was compelled to bring armed forces into action in defence of the people’s democratic order. In its endeavour to put an end to the disorders as soon as possible and to protect the life and interests of honest Hungarian citizens, the Government of the Hungarian People’s Republic appealed to the Government of the Soviet Union for assistance. In response to</p>

						<p>this request, Soviet military units which were located in Hungary in conformity with the Warsaw Pact came to the help of the Hungarian forces and Hungarian workers defending the Hungarian State” (S/PV.746, 28 October 1956, para. 156)</p> <p><i>After the 4 November invasion:</i> “The relations between the Soviet Union and the peoples’ democracies are based primarily on the Warsaw Pact, under which the parties assumed certain political and military obligations, including the obligation to take such concerted action as might be necessary to reinforce their defensive strength in order to defend the peaceful labour of their peoples, guarantee the inviolability of their frontiers and territories and afford protection against possible aggression. Soviet forces have been and remain on Hungarian territory pursuant to the Warsaw Pact. They are helping to put an end to counter-revolutionary intervention and riots; the presence of Soviet forces in Hungary serves the common interest of the security of all countries parties to the Pact.” (S/PV.754, 4 November 1956, para. 53)</p> <p>“The national and democratic forces in Hungary began to organize resistance to fascism. Honest statesmen left the Nagy government, convinced that it was only a screen for the forces of fascist reaction that were beginning to dominate the country. Janos Kadar, a Deputy Prime Minister in the Nagy government, formed a new Hungarian Revolutionary Workers' and Peasants' Government. [...] The new government applied to the Soviet Union for assistance in beating off the attack by the forces of fascism and in restoring order and normal life in the country.” (A/PV.582, 19 November 1956, paras. 123f.)</p> <p><u>1.3. Contestation about facts</u> <i>### It was contested whether Soviet troops entered Hungary before 4 November 1956 ###</i> “Yesterday rumours were spread that the Soviet Government was moving additional armed forces into Hungarian territory. These statements, as also the statement made by Mr. Imre Nagy, are utterly unfounded, and in order to refute such fabrications the Soviet Government yesterday, through its Ambassador in Hungary, made a statement declaring that no additional Soviet troops had been brought into Hungary.” (S/PV.752, 2 November 1956, para. 141)</p> <p><u>1.4. Contestation about application</u> <i>### It was contested whether the government was competent to request foreign intervention ###</i> (13) “With regard to Mr. Nagy’s communications to the United Nations, it must be borne in mind that these were unconstitutional and are therefore invalid.” (104) “The new legitimate government of Hungary appealed to the Soviet troops which were in Hungary under the Warsaw Pact, for assistance in suppressing the counter-revolutionary elements</p>
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							which were trying to inflame the counter-revolutionary rebellion in Hungary." (A/PV.564, 4 November 1956)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	7 enforcing specific political system	<p>### Legitimate purpose of the intervention: ending violence across Hungary, restoring socialist order ###</p> <p>"A state of terror was created in Hungary. In the last few days the counter-revolutionary gangs have carried out acts of violence and excess in the capital and the provinces. These circumstances fully explain the legitimate concern for the fate of the Hungarian workers felt by the peoples of friendly countries, in particular by the peoples of the Soviet Union, Poland, Romania, Czechoslovakia and Yugoslavia, which have common frontiers with Hungary and are linked with it by close ties of friendship." (S/PV.754, 4 November 1956, paras. 51, 52)</p>

	Code	Material
6. UNSC Reaction	4 unclear + veto	<p><i>Prior to the 4 November invasion:</i></p> <p>### First UNSC-consideration of the conflict was initiated by France, UK and US on 27 October 1956 (S/3690). The Soviet Union and Hungary opposed UNSC-involvement in the issue which they held to be an internal one (S/PV.746, paras. 12f., 20; and Hungarian Letter S/3691, sent 28 October 1956).</p> <p><i>After the 4 November invasion:</i></p>

		<p>### A US-sponsored Resolution was to call upon "the government of the USSR to desist forthwith from any form of intervention, particularly armed intervention, in the internal affairs of Hungary", S/3730. This was vetoed by the USSR, see S/PV.754, para. 68.</p> <p>###</p>
7. UNGA Reaction	2 disapproves	<p>UNGA Res 1004 (ES-II), A/Res/1004, 4 November 1956 (voting: 50-8-15 [Y-N-A]) <i>"Condemning the use of Soviet military forces to suppress the efforts of the Hungarian people to reassert their rights, [...] 1. Calls upon the Government of the Union of Soviet Socialist Republics to desist forthwith from all armed attack on the people of Hungary and from any form of intervention, in particular armed intervention, the internal affairs of Hungary."</i> (</p> <p>UNGA Res 1005 (ES-II), UN Doc. A/Res/1005, 9 November 1956 (voting: 48-11-16 [Y-N-A]) <i>"Considering that the repression undertaken by the Soviet forces in Hungary constitutes a violation of the Charter of the United Nations and the Peace Treaty between Hungary and the Allied Associated Powers, [...] 2. Calls again upon the Government of the Soviet Socialist Republic to withdraw its forces from Hungary without any further delay;"</i></p> <p>UNGA Res 1133 (XI), UN Doc. A/Res/1133 (XI), 14 September 1957 (voting: 60-10-10 [Y-N-A]) <i>### The UNGA had also formed a Special Committee on the Problem of Hungary by A/Res/1132 (XI), charged with making investigations into the conflict. Based on a report of the Special Committee (A/3592), the UNGA adopted A/Res/1133 (XI) in 1957, finding that:</i> <i>"Finds that the conclusions reached by the Committee on the basis of its examination of all available evidence confirm that: (a) The USSR, in violation of the Charter of the United Nations, has deprived Hungary of its liberty and political independence and the Hungarian people of the exercise of their fundamental human rights; (b) The present Hungarian regime has been imposed on the Hungarian people by the armed intervention of the USSR; [...]"</i></p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p>United Kingdom: <i>"Even before the full-scale invasion of Hungary, which has just started, Soviet troops interfered in the internal affairs of that country to repress its people in their struggle to assert their rights, guaranteed to them under the Charter of the United Nations [...]. The motive of the Soviet Union's action was and is the domination of Hungary." (S/PV.754, 4 November 1956, para. 60)</i></p> <p>France: <i>"(T)he French delegation explained the reasons which had led it, in conjunction with the delegations of the United Kingdom and the United Nations, to call for an urgent meeting of the Security Council. I shall briefly recount those reasons: Foreign intervention is taking place on Hungarian territory. ... A flagrant violation of Hungarian sovereignty and independence is therefore involved, a violation of the basic principles underlying the United Nations Charter." (S/PV.753, 3 November 1956. para. 76)</i></p> <p><i>"Nevertheless, the armed attack of the Soviet Union on the people of Hungary is still going on." (A/PV.570, 9 November 1956, para. 103)</i></p>

	<p>“We were told five days ago that the Hungarian Government had asked for this intervention. We already had very serious misgivings on that point. Mr. Gerő may in fact have asked for the assistance of foreign troops in order to maintain himself in power, but the intervention took place after Mr. Gerő had fallen from power and Mr. Nagy had succeeded him. The Nagy Government was thus from the outset subjected to foreign intervention which had been provoked by its predecessor, whose fall had perhaps been brought about by, among other things, that request for intervention.” (S/PV.752, 2 November 1956, para. 117)</p> <p>South Africa: “In our view, the events of the past few hours have demonstrated clearly that both the threat of force and force have been employed against the political independence of Hungary [...]” (A/PV.564, 4 November 1956, para. 34)</p> <p>Peru: “As regards the Warsaw Treaty, I must point out that it does not expressly authorize the stationing of Soviet forces in Hungarian territory. [...] The document states categorically that any troops that may be provisionally stationed by the USSR in those territories may be used only for mutual defense [...]. As far as I know, there has been no attempted aggression whatsoever against the Soviet Union or Hungary.” (4 November 1956, A/PV.564, para. 43)</p> <p>“Hence from the point of view of the Soviet Union - I am looking at the matter from that point of view - no forces stationed in Hungary could ever be used to maintain law and order in Hungary.” (S/PV.746, 28 October 1956, para. 118)</p> <p>United States: “Let us not be deceived by this cynical and wanton act of aggression against the Hungarian people and its Government. A small group of Soviet strawmen announced their own formation as a government at the moment that Soviet troops began their attack. (...) Two hours after the attack began, the new puppet group appealed to the Soviet Union to come to its assistance. It cannot be maintained therefore, that the Soviet action is undertaken in response to any request for assistance.” (A/PV.564, 4 November 1956, paras. 71, 73)</p> <p>Cuba: “As the United States representative so aptly remarked, just when the permanent representative of the Soviet Union was telling us here that negotiations with the Hungarian Government were proceeding, and at the very time when the representative of the Soviet Union in the General Assembly was demanding respect for the principles of the right of peoples to self-determination and non-intervention in the domestic affairs of States, a cruel and treacherous blow was being aimed at the Government of Hungary, in the form of an invasion by the armed forces of the Soviet Union.” (S/PV.754, 4 November 1956, para. 12)</p> <p>“I am expressly instructed by my Government to state that it does not accept this new government even as a de facto government, that it does not recognize its existence and that it hopes that all the Governments which represent the free peoples</p>
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		<p>of the world will follow our example and not grant recognition of any kind, explicit or implicit, to a government which has been formed solely through the armed intervention of Soviet troops.” (A/PV.568, 8 November 1956, para. 9)</p> <p>“Let it not be said that these Soviet armed forces are in Hungary in fulfilment of an international treaty. It is true that the Warsaw Pact authorizes them to remain in that country, but the use of these forces is limited, under the Pact, to occasions when Hungary might be attacked from outside by another foreign Power. We could never have thought that these Soviet forces would be used against the very people they were under an obligation to defend in the event of an invasion from outside.” (S/PV.746, 28 October 1956, para. 108)</p> <p>Poland: “Therefore the Polish Government considers that one should not interfere with the Hungarian Government in its task and its endeavors to regulate, through negotiations which it has announced, the problems connected with the presence and withdrawal of Soviet troops in Hungary.” (A/PV.568, 8 November 1956, para. 37)</p> <p>Bulgaria: “With careful study, these information media alone will show that the Soviet army units are legitimately in Hungary under the defensive Warsaw Pact, that the Government of the Hungarian People’s Republic sent an appeal for the Soviet army to support it in the struggle against imperialist agents [...]” (A/PV.568, 8 November 1956, para. 62)</p>
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310 Hungary

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	

0	0	0	0	0	0	0	<p>### Call for international assistance ### “The President of the Council of Ministers [...] expressed his strongest protest against the entry of further Soviet troops into Hungary. He demanded the instant and immediate withdrawal of these forces. He informed the Soviet Ambassador that the Hungarian Government immediately repudiates the Warsaw Treaty and at the same time declares Hungary’s neutrality, turns to the United Nations and requests the help of the four great Powers in defending the country’s neutrality.” (A/3251, 1 November 1956,)</p> <p>### Claim that the situation was an internal matter ### “[...] the Government of the Hungarian People's Republic stresses that the events which took place on 22 October 1956 and thereafter, and the measures taken in the course of these events are exclusively within the domestic jurisdiction of the Hungarian People's Republic and consequently do not fall within the jurisdiction of the United Nations.” (S/3691, Letter of 28 October 1956)</p> <p>### Position of the new Kadar-government ### “During the night, since this news reached the United Nations Headquarters, I could not make contact with Budapest. Therefore, I could not get official information about recent events in the Hungarian People's Republic. Unofficially, however, we are informed that a new Government has been formed under the leadership of Mr. Janos Kadar, President of the Council of Ministers.” (S/PV.754, 4 November 1956,)</p> <p>“The appeals sent by Mr. Nagy to the Secretary-General ... have been declared invalid by the new government (...) .” (A/PV.568, 8 November 1956, para. 4)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
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0	0	### Hungarian soldiers and civilians fought against the Soviet invaders, especially in Budapest (See: Lieblich, <i>The Soviet Intervention in Hungary – 1956, International Law on the Use of Force: a Case-Based Approach</i> , p. 51) ###
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	4 unclear + veto	<i>see USSR 6</i>
7. UNGA Reaction	3 unclear	<i>see USSR 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see USSR 9</i>

17. Ifni War 1957-1958

Key data

Duration: 21.11.1957 – 10.04.1958; Parties: Spain, France vs. Morocco; Initiator: Morocco.

230 Spain

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### In November 1957, the Ministry of War claimed that armed bands of the Liberation Army had crossed into Ifni and that the Moroccan government had been requested to reassert control over the Moroccan territory bordering Ifni in order to stop such armed incursions. By 8 December, Spain reported that the irregular bands had generally been defeated. (Keesing's Contemporary Archives, 1957, 15895) ###</p> <p>### The New York Times referred to Spain's response as an all-out counter-offensive to recapture lost Ifni outposts ("Morocco Prince Charges Spanish Attack from Ifni," The New York Times, 29.11.1957, https://www.nytimes.com/1957/11/29/archives/morocco-prince-charges-spanish-attack-from-ifni-hassan-declares.html (accessed on 4 June 2022)) ###</p>

Letter sent in accordance with Art. 51 UNCh	0 – not applicable
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	### Several years later, A/Res/2072 (XX) of 16 December 1965 expressed disapproval that Ifni had not been returned to Morocco by Spain. However, the Ifni War itself was not addressed by the UNGA. ###
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	

220 France

	Code
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Law invoked?	2 No
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	### UNYB, The New York Times and Keesing's Contemporary Archives do not report on the French position and involvement in the Ifni War. French support in favour of Spain against the Liberation Army may be seen in context with France's own fight against rebellious groups in the region, in part in Algeria and Mauritania as well as its own previous conflict with the Liberation Army before Moroccan independence. ###
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	5 no reaction	<i>see Spain 6</i>
7. UNGA Reaction	4 no reaction	<i>see Spain 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	<i>see Spain 9</i>

600 Morocco

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### Denial of involvement in the initial attacks ###</p> <p>"In his broadcast, Crown Prince Moulay Hassan said that Morocco had been 'surprised by the Ifni events [...].'" ("Morocco Prince Charges Spanish Attack from Ifni", The New York Times, 29.11.1957, pp.1, 18, https://timesmachine.nytimes.com/timesmachine/1957/11/29/121649423.pdf?pdf_redirect=true&i p=0 (accessed on 8 June 2022))</p>

Letter sent in accordance with Art. 51 UNCh	0 – not applicable
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	<p>### Announcement of willingness to use self-defence against any Spanish attacks ###</p> <p>“The Crown Prince said that the army, which he commands as Chief of Staff, ‘is ready to defend its territory against anyone.’ (...) In his broadcast, Crown Prince Moulay Hassan said [...] that it was ‘regrettable that these events extended beyond the Ifni zone with the Spaniards launching attacks on Moroccan territory.’ Accordingly, he announced, he had given orders to the army to fire on any foreign plane suspected of attacking or planning to attack Moroccan territory.” (“Morocco Prince Charges Spanish Attack from Ifni”, The New York Times, 29.11.1957, pp.1, 18, https://timesmachine.nytimes.com/timesmachine/1957/11/29/issue.html (accessed on 8 June 2022))</p>

	Code	Material
5. Legitimacy Claim	0	<p>“Abdelkader el Fassi, head of the Moroccan Foreign Ministry’s Sahara section, declared Morocco could show ‘only sympathy for all Moroccans who claim their right for the definitive liberation of the [Ifni] territory.’” (“Morocco Prince Charges Spanish Attack from Ifni”, The New York Times, 29.11.1957, p.1, https://timesmachine.nytimes.com/timesmachine/1957/11/29/121649423.pdf?pdf_redirect=true&ip=0 (accessed on 8 June 2022))</p>

	Code	Material
6. UNSC Reaction	5 no reaction	<i>see Spain 6</i>
7. UNGA Reaction	4 no reaction	<i>see Spain 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	<i>see Spain 9</i>

18. French Cameroon War 1957-1958

Key data

Duration: 01.01.1957 – 05.01.1958; Parties: France vs. UPC (Union des Populations du Cameroon); Initiator: Cameroon.

220 France

	Code
Law invoked?	2 No

1. 1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>"Its [the wars] very existence has been denied by official French spokesmen" (Elizabeth Rechniewski (University of Sydney), "A Small War in Cameroon: Looking back on the events of 1955-64", https://judgingthepast.hypotheses.org/76 (accessed on 13 July 2022))</p> <p>"Je dénie absolument que des forces françaises participé en quoi que ce soit à des assassinats au Cameroun", "Tout cela est de la pure invention." [Non-official translation: "I absolutely deny that French forces participated in any way in the assassinations in Cameroon. All this is pure invention."]</p>

							<p>(François Fillon (Prime Minister), 22 May 2009, during a visit to Yaounde, Cameroon) (L'Humanite, "Cameroun et France: sur le chemin de la verité?", 28.07.2015, https://www.humanite.fr/cameroun-et-france-sur-le-chemin-de-la-verite-580306 (accessed on 13 July 2022))</p> <p>"Britain and France denied here [UN GA] today allegations of harsh treatment of the peoples of the Cameroons" ("Britain and France defend trust roles", The New York Times, 29.11.1957, p. 3, https://timesmachine.nytimes.com/timesmachine/1957/11/29/121649455.html?pageNumber=3, (accessed on 13 July 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	6 defense against ideology	<p>"High Commissioner, Roland Pré, defined the UPC as the local agent of international communism (referring to it consistently as the 'PC', as if the initials stood for 'parti communiste') and turned to the new French theories of revolutionary war for inspiration in the 'rollback' of the UPC political organisations that had been, in his words, 'noyautés par le parti communiste' [infiltrated by the communist party]." (Elizabeth Rechniewski (University of Sydney), "A Small War in Cameroon: Looking back on the events of 1955-64", https://judgingthepast.hypotheses.org/76 (accessed on 13 July 2022))</p> <p><i>##Roland Pré was appointed High Commissioner of Cameroon by the French Government in 1954 to crush the UPC (Elizabeth Rechniewski (University of Sydney), "A Small War in Cameroon: Looking back on the events of 1955-64", https://judgingthepast.hypotheses.org/76 (accessed on 13 July 2022))</i></p>

		<p>“In its reports to the UN, France consistently referred to the UPC as a communist-inspired organisation under the influence of Moscow.” (Elizabeth Rechniewski (University of Sydney), “A Small War in Cameroon: Looking back on the events of 1955-64”, https://judgingthepast.hypotheses.org/76 (accessed on 13 July 2022))</p> <p>“France shipped troop reinforcement to the Cameroons today to crush a Communist-led uprising before it could develop into a struggle like that in Algeria... The reinforcements will help the 1,500 troops already in the French Cameroons fight against forces of the Union des Populations du Cameroun, a Communist-led movement. About 800 members of the extremist group, armed with hatchets, shotguns and sabers, are reported to have taken refuge in the Bamileké and Sanaga-Maritim regions, terrorizing the populace of surrounding areas. The rebels have murdered dozens of villagers and burned down sixty villages in their campaign to win independence for the African territory, which is a French trusteeship under United Nations auspices.” (“France sends troops to crush red-led uprising in Cameroons”, The New York Times, 06.01.1958, p. 1, https://timesmachine.nytimes.com/timesmachine/1958/01/06/83646843.html?pageNumber=1 (accessed on 13 July 2022))</p> <p>### According to R. Joseph, the UPC maintained “fraternal ties” with the French Communist Party and a “radical nationalist ideology” (Richard Joseph, “Ruben um Nyobé and the 'Kamerun' Rebellion”, African Affairs 73, No. 293, 1974)</p>
5.2	3 maintenance of regional stability	<p>“By the time the present Government took office in February 1958, the suppression by reinforced French military forces of the rebellious bands operating from the heavy forests of the Sanaga-Maritime regions had begun. The Mission was informed that the situation which had developed during and after September of 1951, when the remaining UFC adherents in the region had returned after a long period of relative quiet to organized acts of terrorism and plunder against whole villages as well as individual African chiefs and others, contained a serious risk to the peace of the Territory unless it could be contained and defeated in the limited area of the Sanaga-Maritime.” (T/1427, 23 January 1959, UN Trusteeship Council, “Report on the Trust Territory of the Cameroons under French Administration”, para. 90)</p> <p>### The French army as an instrument of security and peace for the people of Cameroun, whose goal is “de limiter au minimum les destructions inutiles” [Non-official translation: “minimise unnecessary destruction”] (Commandement Interarmées des Forces Françaises au Cameroun, Rapport sur les opérations militaires au Cameroun en 1960, Yaounde, 25.03.1961, p. 3 (https://de.calameo.com/read/0005107004e99b387fc39 (accessed on 13 July 2022)))</p> <p>“France feared the influence of UPC demands, if successful, on the rest of French Africa and on French commercial interests, and also, Jean-François Bayart points out, as a source of possible support for the independence movement in Algeria (Bayart 452) with which the UPC had some limited contacts.” (Elizabeth Rechniewski (University of Sydney), “A Small War in Cameroon: Looking back on the events of 1955-64”, https://judgingthepast.hypotheses.org/76 (accessed on 13 July 2022))</p> <p>“The UPC continued to demonstrate the radical inter-nationalism of the pre-1950 RDA by strongly supporting the Vietnamese and Algerian nationalist movements” (Richard Joseph, “Ruben um Nyobé and the 'Kamerun' Rebellion”, African Affairs 73, No. 293, 1974, pp. 428-448, 431)</p>

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	3 unclear	<p>###Terminated Trusteeship Agreement, enabling full national independence of Cameroon from 1 January 1960 (with focus on the fact that Cameroon had reached social and economic goals to do so but not addressing violence or war in Cameroon)###</p> <p>“[The Trusteeship Council] considers that the Territory of the Cameroons under French administration is ready for independence, in accordance with the declarations of the Administering Authority and the Legislative Assembly of the Cameroons under French administration, without the need for any further consultation with the people of the Territory” (UN Trusteeship Council Resolution 1925 XXIII, 17.02.1959, para. 3)</p> <p>Cease of Trusteeship Agreement (UNGA Res. 1349 (XIII), 13.03.1959, The future of the Trust Territory of the Cameroons under French administration, para. 1)</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>United Kingdom: “Sir Andrew Cohen (United Kingdom) observed that the General Assembly’s decision to resume its thirteenth session in February 1959 for the purpose of discussing the question of the future of the two Trust Territories of the Cameroons was significant of three things: the progress those Territories had made towards nationhood; the success of France and the United Kingdom in helping their people towards the goal of independence; and the continually growing interest of the world in Africa.” (A/C.4/SR.846, UNGA 4th Committee, 846th session, 23.02.1959, para. 9)</p>

UPC (Union des Populations du Cameroun)

	Code
Law invoked?	1 Yes

	Contestation about	Material
Ⓢ ⓔ Ⓠ Ⓢ		

1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
7 self-determination	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	<p>"Depuis des années, le Peuple Camerounais demande l'octroi des pouvoirs législatifs à l'Assemblée Territoriale du Cameroun les nations Unies font des recommandations en ce sens, les colonialistes français font sourde oreille. Depuis des années, le Peuple demande la création des assemblées locales à l'échelon régional ou à l'échelon de subdivision, cette revendication correspond aux recommandations pertinentes des Nations Unies, notamment à celles contenues dans la résolution 752 adoptée par la 8^{ème} session de l'Assemblée Générale de l'O.N.U. en date du 9 Décembre 1953. A cela, les colonialistes français opposent un silence et in mépris qui ne peuvent manquer de révolter l'esprit des hommes de volonté." (<i>Manifest by the Union des Populationas du Cameroon, "Proclamation commune : pour la fin du régime de tuelle & pour l'édification d'un Etat camerounais souverain", signed by UPC and other groups in Douala on 22.04.1955, p. 2)</i>)</p> <p>[<i>Non-official translation: "For years, the Cameroonian people have been asking for the granting of legislative powers to the Territorial Assembly of Cameroon. The United Nations have been making recommendations in this regard, but the French colonialists have turned a deaf ear. For years, the People have been asking for the creation of local assemblies at the regional or sub-divisional level. This demand corresponds to the relevant recommendations of the United Nations, particularly those contained in resolution 752 adopted by the 8th session of the UN General Assembly on 9 December 1953. To this, the French colonialists oppose a silence and indifference which cannot fail to revolt the spirit of the men of will."</i>]</p> <p><i>"Raisons juridiques : S'agissant du problème de l'Union Francaise, les représentante de la France à l'O.N.U. ont reconnu sux-mêmes, à plusieurs reprises, que les territoires sous tutelle du Togo et du Cameroun seront libres de décider sux-mêmes, à la fin de la tutelle, s'ils veulent entrer dans l'union Francaise ou s'ils veulent assumer leur independence hors de cette Union. Comme nous l'avons toujours dit, la possibilité d'une telle prise de position passe par l'accession préliable des pays interessés à leur indépendence. On ne peut donc nous accuser de porter atteinte à l'autorité de la France quand nous demandons ce qui est notre droit le plus absolu : l'indépendence immédiate. Ce faisant, nous avons au contraire la conviction de rendre vivant l'engagement solennel contenu dans la Constitution francaise et selon lequel la France entend conduire les peuples dont elle pris la charge à la capacité de s'administrer eux-mêmes et de gérer démocratiquement leurs propres affaires."</i> (<i>Manifest by the Union des Populationas du Cameroon, "Proclamation commune: pour la fin du</i></p>

						<p><i>régime de tuelle & pour l'édification d'un Etat camerounais souverain", signed by UPC and other groups in Douala on 22.04.1955, p. 1)</i></p> <p><i>[Non-official translation: "Legal reasons: With regard to the problem of the French Union, the representatives of France at the United Nations have repeatedly recognized that the trust territories of Togo and Cameroon will be free to decide for themselves, at the end of the trusteeship, whether they want to enter the French Union or whether they want to assume their independence outside of this Union. As we have always said, the possibility of such a position requires the prior accession of the countries concerned to their independence. We cannot therefore be accused of undermining the authority of France when we demand what is our most absolute right: immediate independence. On the contrary, we are convinced that we are bringing to life the solemn commitment contained in the French Constitution, according to which "France intends to lead the peoples for whom it is responsible to the capacity to administer themselves and to manage their own affairs democratically."]</i></p> <p><i>"Raisons politiques : La France et la France, bien que membres originaires des Nations Unies, bien qu'ayant signé les accords du tutelle, se sont contenté de traiter le Cameroun 'comme une partie intégrante' de leurs empires coloniaux respectifs et n'ont voulu prendre aucune mesure sérieuse pour préparer notre Pays à son indépendance. [...] En ce qui concerne le gouvernement français, après avoir inondé les Nations Unies de déclarations mensongères sur la situation de la partie du Cameroun administrée par la France, les représentants français sont passés à un nouveau stade de la comédie diplomatique en faisant des promesses dont la réalisation est restée dans les salons du Palais des Nations Unies à New York. Ainsi le Gouvernement français pouvait continuer au Cameroun une politique de colonisation dont le cynisme est la violence n'ont rien à envier dans certains domaines, aux méthodes connues au temps de l'indigénat." (Manifest by the Union des Populationas du Cameroon, "Proclamation commune : pour la fin du régime de tuelle & pour l'édification d'un Etat camerounais souverain", signed by UPC and other groups in Douala on 22.04.1955, p. 2)</i></p> <p><i>[Non-official translation: "Political reasons: France and Great Britain, although original members of the United Nations, although having signed the trusteeship agreements, were content to treat Cameroon "as an integral part" of their respective colonial empires and did not want to take any serious measure to prepare our country for its independence. [...] As for the French government, after having flooded the United Nations with false statements on the situation of the part of Cameroon administered by France, the French representatives went on to a new stage of diplomatic comedy by making promises whose realization remained in the salons of the United Nations Palace in New York. Thus the French government could continue in Cameroon a policy of colonization whose cynicism and violence have nothing to envy in some areas, the methods known at the time of the indigénat"]</i></p>
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						<p>“Quand les patriotes Camerounais veulent hisser le drapeau des Nations Unies pour applique rune résolution de l’Assemblée Générale de cet organisme adoptée au cours de sa 4^{ème} Session, les colonialistes français, appliquant le mot d’ordre de l’Administration Roland PRE, suscitent des oppositions africaines en armant des mercenaires pour massacres ceux dont le seul tort est d’être à l’avant-garde de la lutte pour l’Unité et l’Indépendance du Cameroun.</p> <p>Ce qui est plus regrettable, c’est que le conseil de Tutelle de l’O.N.U. dont nous connaissons la majorité réactionnaire continue à prodiguer ses félicitations au Gouvernement Français comme pour l’encourager à violer les recommandations de l’O.N.U." (<i>Manifest by the Union des Populationas du Cameroon, "Proclamation commune : pour la fin du régime de tuelle & pour l’édification d’un Etat camerounais souverain", signed by UPC and other groups in Douala on 22.04.1955, p. 3)</i></p> <p>[<i>Non-official translation: “When Cameroonian patriots want to hoist the flag of the United Nations to apply a resolution of the General Assembly of this organization adopted during its 4th Session, the French colonialists, applying the watchword of the Roland PRE Administration, sparked/provoked African opposition by arming mercenaries to massacre those whose only fault is to be in the vanguard of the struggle for Unity and Independence of Cameroon.</i></p> <p>What is more regrettable is that the UN Trusteeship Council, whose reactionary majority we know, continues to give its congratulations to the French government as if to encourage it to violate the recommendations of the UN.”]</p> <p>"Au lieu d’appliquer le Code du Travail, il utilise la force pour briser les grèves afin de protéger les intérêts sordides des colonialistes. Au lieu de mener une politique d’entente et de compréhension, Roland PRE s’évertue à aller en guerre contre les dirigeants politiques et syndicaux les plus en vue en multipliant les poursuites contre les victimes des abus des fonctionnaires français et veut jeter en prison ceux qui souffrent d’être les accusateurs frustrés par les magistrats du régime. [...] Roland PRE et ses hommes veulent répéter au Cameroun la terrible experience de l’Indochine." (<i>Manifest by the Union des Populationas du Cameroon, "Proclamation commune : pour la fin du régime de tuelle & pour l’édification d’un Etat camerounais souverain", signed by UPC and other groups in Douala on 22.04.1955, p. 4)</i></p> <p>[<i>Non-official translation : “Instead of applying the Labor Code, he [Roland Pre, High Commissioner of France in Cameroun] uses force to break strikes in order to protect the sordid interests of the colonialists. Instead of pursuing a policy of understanding and comprehension, Roland PRE is going to war against the most prominent political and trade union leaders by multiplying the number of lawsuits against the victims of the abuses of the French civil servants and wants to throw into prison those who suffer from being the frustrated accusers of the regime’s magistrates. [...] Roland PRE and his men want to repeat in Cameroon the terrible experience of Indochina.”]</i></p>
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						<p>“[...] c’est nous qui représentons l’expression vivante du Peuple Camerounais, c’est nous qui représentons le vrai Cameroun de demain.” (<i>Manifest by the Union des Populationas du Cameroon, "Proclamation commune : pour la fin du régime de tuelle & pour l’édification d’un Etat camerounais souverain", signed by UPC and other groups in Douala on 22.04.1955, p. 4</i>) [Non-official translation: “[...] we are the ones who represent the living expression of the Cameroonian People, we are the ones who represent the real Cameroon of tomorrow.””</p> <p>“Sur la question de l’Unifoation, nous avons mis les deux autorités administrantes sur la defensive lorsque nous avons propose une consultation Populaire sous forme de ‘REFERENDUM’ sur cette importante question. Sur la question des integrations politiques, les puissances administrantes se sont rendues compte à la lunière de évènements, de ce que les Camerounais ne voulaient ni l’intégration dans la Nigéria, ni l’engloutissement dans ce qu’Äil est convehu d’appeler l’Union Francaise. E ainsi, grace à la lute du Peuple Camerounais, les autorités francaises ont été obliges de reconnaitre que le Cameroun n’était pas dans l’Union Francaise les autroités britanniques savent que l’écrasante majorité de la population du Cameroun sous administration britannique s’oppose de facon vigoureuse à l’integration dans la Nigéria. Par cela, notre revendication de non intégration dans les empires coloniaux des deux Puissances Administrantes a été couronnée de succès.” (<i>Manifest by the Union des Populationas du Cameroon, "Proclamation commune : pour la fin du régime de tuelle & pour l’édification d’un Etat camerounais souverain", signed by UPC and other groups in Douala on 22.04.1955, p. 5</i>) [Non-official translation: “on the issue of Unification, we put the two administering authorities on the defensive when we proposed a popular consultation in the form of a referendum on this important issue. On the question of political integration, the administering powers 183ealized in the light of events that the Cameroonians wanted neither integration into Nigeria nor engulfment in what is known as the French Union. And so, thanks to the struggle of the Cameroonian people, the French authorities were forced to recognise that Cameroon was not in the French Union. The British authorities know that the overwhelming majority of the population of Cameroon under British administration is vigorously opposed to integration into Nigeria. Therefore, our demand for non-integration into the colonial empires of the two Administering Powers was successful.”]</p> <p>“A ‘regime of exception’ based on rule by decree, enacted in often arbitrary and sometimes spectacular punishments, and concerned primarily with asserting administrative power” (Gregory Mann, “What Was the ‘Indigénat’? The ‘Empire of Law’ in French West Africa”, <i>The Journal of African History</i>, 2009, Vol. 50, No. 3 (2009), pp. 331-353, 333)</p>
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						<p>„In spite of the policy of denying our most elementary rights, in spite of the ban which has weighed for more than two years on an important fraction of public opinion, we have not ceased multiplying constructive suggestions for reaching a negotiated solution to the Kamerunian problem. To these peaceful demonstrations-which could not be more conciliatory-the French authorities have responded with silence, with scorn when not with insults. The atmosphere has become progressively envenomed to the point at which we find ourselves today.“ (Statement by Um Nyobe (UPC leader)) (Richard Joseph, “Ruben um Nyobé and the ‘Kamerun’ Rebellion”, African Affairs 73, No. 293, 1974, pp. 428-448, 441)</p> <p>“United Nations, you who are about to convene an extraordinary General Assembly to deliberate on the fate of an independent and sovereign Hungary, consider that in the Kamerun under international trusteeship, for which you are entirely responsible, patriots who only demand the loyal application of your Charter are massacred and tortured. Your attention has been publicly and fully drawn during the course of the eleventh session of your General Assembly to the Kamerunian drama and a commission of inquiry has been requested by the Kamerunian representatives into this drama. What proof of the implementation of your recommendations will France give you during the twelfth session of your General Assembly? Are you going to give the impression that priority in your consideration belongs to those who can defend themselves rather than to those who are only armed with the basic rights and principles which are the <i>raison d’être</i> of your Organization?’.“ (Statement by Um Nyobe (UPC leader) (Richard Joseph, “Ruben um Nyobé and the ‘Kamerun’ Rebellion”, African Affairs 73, No. 293, 1974, pp. 428-448, 444f.)</p> <p>“[UPC] represented the attempt to group under one banner the numerous and disparate ethnic, linguistic and religious groups that existed in the country. Its principal demands were for democratic elections, independence within ten years and reunification of the British and French territories.” (Elizabeth Rechniewski (University of Sydney), “A Small War in Cameroon: Looking back on the events of 1955-64”, https://judgingthepast.hypotheses.org/76 (accessed on 13 July 2022))</p> <p>“Though the French altered their territorial government to allow greater native participation, many Cameroonians believed that the French were exploiting local labor and resources.” [...] The UPC became the most radical pro-independence group during the 1950s. The French refused petitions for independence, prompting more radical action and eventually armed rebellion. When the independence war began in 1955, the French officially designated the UPC as an illegal terrorist organization. As they tried to destroy the UPC, other independence organizations began to rise, and it soon became clear to the French that independence was inevitable. In 1958 Amadou Ahidjo, who had served within the colonial government as an emissary to France, helped found the UC, a</p>
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							moderate independence organization that favored maintaining strong economic and social ties to France. Ahidjo established the first Republic of Cameroon in 1956, though the French had not formally relinquished control. Independence was “granted” by France in 1960, after which Ahidjo remained the leader of the new government.” (Columbia Encyclopedia, “Republic of Cameroon”, https://www.encyclopedia.com/history/encyclopedias-almanacs-transcripts-and-maps/republic-cameroon (accessed on 13 July 2022))
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	3 unclear	“The General Assembly, [...] Noting with satisfaction the adoption by the Legislative Assembly of the Cameroons under French administration of the amnesty law of 14 February 1959 and the assurances given by the Prime Minister of the Cameroons that this law is being put into effect on the widest possible basis and with the least possible delay.” (UNGA Res. 1349 (XIII), 13.03.1959, The future of the Trust Territory of the Cameroons under French administration)
8. ICJ Reaction	4 no reaction	

<p>9. State Reaction</p>	<p>3 unclear</p>	<p>Haiti, Italy, New Zealand, Paraguay and United States: <i>### Proposed a draft that read that the UNGA “would welcome with satisfaction the assurances given by the Prime Minister of the Cameroons that the necessary measures for granting <i>broader</i> [emphasis added] measures of political amnesty were being considered and would strongly urge that such amnesty should be granted on the widest possible basis and with the least possible delay.”</i> (UN Reparatory of Practice of Art. 76, Supplement No. 2, (1955–1959), volume 3, para. 146)</p> <p>Ghana, Guinea, Liberia, 'Libya, Morocco, Sudan, Tunisia and United Arab Republic: <i>“The delegations of Ghana, Guinea, Liberia, 'Libya, Morocco, Sudan, Tunisia and United Arab Republic submitted a draft resolution which contained the following recommendations not included in the other draft resolution, namely, that the Administering Authority and the Government of the Cameroons under French administration would abrogate the Decree of 13 July 1955, which had declared illegal certain political parties and organizations in the Territory [namely the UPC]”</i> (UN Reparatory of Practice, Art. 76, Supplement No. 2, (1955–1959), volume 3, para. 156)</p> <p><i>“The Prime Minister [of the Cameroons] also answered some of the questions raised by a number of petitioners, who had charged that the new amnesty law did not sufficiently reflect the spirit of reconciliation of which the Government spoke and had suggested that there should be general elections before independence.”</i> (UN Reparatory of Practice of Art. 76, Supplement No. 2, (1955–1959), volume 3, para. 152)</p>
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19. Taiwan Straits War 1958

Key data

Duration: 23.08.1958 – 23.11.1958; Parties: People's Republic of China (PRC) vs. Republic of China (Taiwan); Initiator: China (PRC).

710 People's Republic of China (PRC)

		Code					
Law invoked?		1 Yes					
1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
8 recover territory	4 no spec.	2 No	1 Yes	2 No	1 Yes	2 No	<p>"The breadth of the territorial sea of the People's Republic of China shall be twelve nautical miles (...). The Taiwan and Penghu areas are still occupied by the United States by armed force. This is an unlawful encroachment on the territorial integrity and sovereignty of the People's Republic of China. Taiwan, Penghu and such other areas are yet to be recovered, and the Government of the People's Republic of China has the right to recover these areas by all suitable means at a suitable time. This is China's internal affair, in which no foreign interference is tolerated." (Statement of the PRC Government from 4 September 1958) ("Text of Peiping Statement", The New York Times,</p>

							05.09.1958, p.3, https://timesmachine.nytimes.com/timesmachine/1958/09/05/issue.html (accessed on 8 June 2022))
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						
2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
9 non-applicability of the prohibition on the use of force	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<p>“In the course of his statement Mr. Chou claimed that Formosa and the Pescadores had been part of China from ancient times; expressed the ‘sacred right’ and ‘unshakable determination’ of the Chinese people to ‘liberate’ those areas; and maintained that the question was solely of Chinese internal concern. He declared that ‘all so-called treaties concluded between the United States and the Chiang Kai-shek regime are null and void as far as the Chinese people are concerned and can never legalize U.S. aggression.’” (Summary of a statement by Chou En-lai, 6 September 1958) (Keesing’s Contemporary Archives 1958, 16389)</p> <p>“The breadth of the territorial sea of the People’s Republic of China shall be twelve nautical miles [...]. The Taiwan and Penghu areas are still occupied by the United States by armed force. This is an unlawful encroachment on the territorial integrity and sovereignty of the People’s Republic of China. Taiwan, Penghu and such other areas are yet to be recovered, and the Government of the People’s Republic of China has the right to recover these areas by all suitable means at a suitable time. This is China’s internal affair, in which no foreign interference is tolerated.” (Statement of the PRC Government from 4 September 1958) (“Text of Peiping Statement”, The New York Times, 05.09.1958, p.3, https://timesmachine.nytimes.com/timesmachine/1958/09/05/issue.html (accessed on 8 June 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>United States: “[...] The United States is bound by treaty to help to defend Taiwan from armed attack, and the President is authorized by joint resolution of Congress to employ the armed forces of the United States for the securing and protecting of related positions such as Quemoy and Matsu. Any attempt on the part of the Chinese communists to seize these positions or any of them would be a crude violation of the principles upon which world order is based, namely, that no country should use armed force to seize new territory.” (Statement by Secretary of State Dulles, 4 September 1958, authorized by Dwight Eisenhower, quoted after Keesing’s Contemporary Archives 1958, 16387)</p> <p>“It is shocking that in this day and age naked force should be used for such aggressive purposes [...] these treaties commit the United States to the defence of the treaty areas [Formosa and the Pescadores] [...] ready to defend the principle that armed force shall not be used for aggressive purposes.” (Statement by Eisenhower, 11 September 1958, quoted after Keesing’s Contemporary Archives 1958, 16388)</p>

	<p>“[...] following a long period of relative calm in that area, the Chinese Communists, without provocation, suddenly initiated a heavy artillery bombardment of Quemoy [...] U.S. military forces [...] are there to help resist aggression – not to commit aggression.” (Eisenhower, Letter to Nikita Khrushchev, 13 September 1958, quoted after Keesing’s Contemporary Archives 1958, 16390)</p> <p>United Kingdom: “I now wish to say something about the situation in the Taiwan Strait. The Government of the United Kingdom supports the United States Government in its wish for a peaceful settlement. I hope that that wish is sincerely held by all. The crisis had been immediately precipitated by large-scale bombardment of Quemoy by Chinese Communist forces. We hope that this resort to force will be terminated and that the Chinese Nationalist authorities will also abstain from military activities.” (A/PV.758, 25 September 1958, para. 89)</p> <p>Australia: “But one fact stands out stark and plain: the dispute over the off-shore islands became an imminent threat endangering world peace only in the last few weeks, when Communist China began to bombard Quemoy and to threaten, more drastic military action. It is this resort to force, and the threat of further force, that has brought the possibility of war.” (A/PV.759, 25 September 1958, para. 4)</p> <p>Canada: “We believe also that thought must now be given by all concerned to look beyond the issue of the off-shore islands and to endeavour to unravel the twisted situation which has produced the present crisis off the China coast. A peaceful solution of the dispute over the Chinese off-shore islands should be a first encouraging step in this direction. The primary responsibility for the distrust and conflict which are at the root of the trouble in Eastern Asia lies in the Communist record of aggressive and arrogant behaviour towards those who are not of their persuasion, and I point out, I emphasize, and I stress, that there is a record which can only, in small part, be excused by reference to the past sins of other imperialisms.” (A/PV.759, 25 September 1958, para. 113)</p> <p>Republic of Korea: “The recent aggressive acts by the communists in the Taiwan Strait showed that they remained aggressors without respect for the principles of the United Nations.” (A/C.1/SR.975, 6 November 1958, para. 5)</p> <p>USSR: “[...] He accused the U.S.A. of ‘seizing by force of arms the ancient Chinese territory of Taiwan and the Penghu Islands’ and of ‘trying to extend its aggression to the Chinese offshore islands’ [...] ‘I should like to emphasize [...] also the fact that China is not alone and that she has true friends who are ready to come to her aid at any moment in the event of an act of aggression, because the security interests of People’s China are inseparable from those of the Soviet Union.’” (Khrushchev, Letter to Eisenhower, 8 September 1958, summarized by Keesing’s Contemporary Archives 1958, 16390)</p>
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	<p>“The arrangement of their domestic affairs according to their own discretion is the inalienable right of every people. The intention to get back their islands of Quemoy and Matsu and to free Taiwan and the Pescadores is the internal affair of the Chinese people” (Statement by Khrushchev) (Zagoria, <i>The Sino-Soviet Conflict</i>, 1962, p. 216)</p> <p>Poland: “We share the general anxiety aroused by the situation in the Far East; and we too trust that fighting will come to an end in the Taiwan Strait and that the general situation in that area will cease to constitute a threat to peace. But there is only one possible solution to that problem-the United States must put a stop to its armed intervention in the internal affair of China and cease fanning the flames of civil war on that front. For that is the source of the constant tension in the area in question.” (A/PV.766, 1 October 1958, para. 57)</p> <p>Japan: “The parties immediately concerned may stand on different positions and have different views on the issues involved, but this is natural in the light of the historical background of these issues. [...] It is urgent and essential that the situation in the Taiwan Strait be settled peacefully. I therefore welcome the efforts that are now being made at the Warsaw talks, which began only a few days ago, to seek a peaceful means of settlement. It is Japan's hope and expectation that both parties will refrain from the use of force and seek a reasonable settlement such as would ensure future stability and peace in the area.” (A/PV.749, 18 September 1958, paras. 93 f.)</p> <p>Cambodia: “The question at issue is which side was to attack, which provoked the other. It was recently stated in the American Press that the United States was trying to persuade Chiang-Kai-shek to stop using Quemoy as a base for raids against the mainland. If that is so one can hardly speak of aggression on the part of Peking.” (A/PV.754, 23 September 1958, para. 112)</p> <p>Albania: “When, however, the People's Republic of China, defending its sovereign rights, answers the imperialist instigators, the United States Government has the audacity to accuse it of aggression, sends additional military reinforcements to Taiwan and speeds up preparations for war. It even dares to ask that the People's Republic of China should cease fire. Does this not have the appearance of a thief who forces his way into your house and who, when in self-defence you try to throw him out, turns upon you and accuses you of being the aggressor?” (A/PV.753, 22 September 1958, para. 237)</p> <p>“What sort of cease-fire is being proposed and between which countries? The People's Republic of China is not at war with the United States, so it would be absurd to suggest a cease-fire between the two countries. Moreover, the islands of Quemoy and Matsu, like Taiwan, are part of Chinese territory. Chiang Kai-shek and his men, who, with the support of the United States, occupy those islands, are also Chinese. How the Chinese people will free the islands from the control of Chiang Kai-shek is a purely internal affair, which concerns the Chinese people alone” (A/PV.763, 29 September 1958, para. 14)</p>
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713 Republic of China (Taiwan)

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					.7 validity	Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	6. abstr. gen. level			
1 self-defence	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<p>“The garrisons on the islands have been increased through these long years. Every time the Communists bombarded them, we have found it necessary to increase the number of defenders. But it should be noted, and noted carefully, that no soldier of the garrisons on these islands ever attempted to land on the opposite shore. No gun mounted on these islands has ever been fired except to return the fire from the opposite side. Before 23 August 1958 the Taiwan strait had been quiet. The bombardments that began on 23 August came to us as a complete surprise. Some people say to us: ‘You had better give up the islands for the sake of peace’. Four years ago in a similar crisis a similar suggestion was made to us. Then the islands at stake were the Tachen Islands. We did evacuate the Tachen Islands for the sake of peace. Today it is Quemoy, Matsu and Taiwan. We have found that the policy of yielding does not work. The enemy's appetite grows with eating. We will defend all territory under our jurisdiction.” (A/PV.764, 30 September 1958, paras. 148 f.)</p> <p>“There is need for retaliation. The time is now. We have withheld so far out of spirit of co-operation with the U.S.A. ... when the crucial time comes there are no restrictions on our taking the right of self-defence and bombarding mainland bases.” (Statement by Chiag Kai-shek, 29 September, quoted after Keesing’s Contemporary Archives 1958, 16472)</p> <p>“Only by an unequivocal and concrete demonstration of firmness and preparedness on our part and on the part of our allies can the aggressor be deterred from plunging into any large-scale adventure.” (Nationalist Foreign Minister, S. K. Huang) (“Taiwan Reports Red Ships Balked near Quemoy Isle,” The New York Times, 25.08.1958, p.1,</p>	

						<p>https://timesmachine.nytimes.com/timesmachine/1958/08/25/issue.html (accessed on 10 June 2022))</p> <p>“The Chinese people is facing tragic times, fateful times- The Communists have, since 23 August, been carrying on their aggressive operations in the Taiwan Strait. These military operations are but a preliminary to a much vaster plan of conquest. We are determined to resist the aggression with all our strength. For us it is a life and death struggle. We do not ask much. We hope that the United Nations will stand for principles in this particular instance.” (S/PV.753, 22 September 1958, para. 139)</p>
Letter sent in accordance with Art. 51 UNCh	2 no					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see PRC 9</i>

20. Angolan Portuguese War 1961-1974

Key data

Duration: 03.02.1961 – 14.10.1974; Parties: Portugal vs. Angola, Initiator: Angola.

235 Portugal

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
9 non-applicability of the prohibition on the use of force	1 Treaty	1 Yes	1 Yes	2 No	2 No	2 No	<p>### Portugal maintained that Angola was a regular province and therefore an integral part of Metropolitan Portugal. Consequently, it denied the applicability of the UN's resolutions and Charta provisions on non-self-governing territories. ###</p> <p>1.4 Contestation about application ### contesting the applicability of the UN regime to the situation in Angola, specifically protesting its inclusion on the UNSC agenda. ###</p>

						<p>“On 7 March [1961] the representative of Portugal protested against Liberia’s request for the inscription of a matter which it considered to be within its exclusive jurisdiction; the request was consequently a contravention of Article 2 (7) of the Charter of the United Nations. (...) Portugal’s representative stated that he considered it both illegal and absurd to place the item [concerning the situation in Angola] on the [Council’s] agenda.” (UNYB 1960, p.137)</p> <p>1.3 Contestation about facts <i>### the violent independence movement is in fact terrorism, foreign in origin and part of an international campaign to destabilize the situation in Angola ###</i></p> <p>“The events in Angola were the result of terrorist action instigated and directed from the outside by agents of international subversion with such violence, that military means were forced upon Portugal as the only immediate way to deal with the situation. Moreover, the terrorism in Angola and the legitimate action taken by Portugal were entirely matters of internal law and order. The Council, instead of interfering in matters of essentially domestic jurisdiction, should condemn as indirect aggression the encouragement of subversion and the fomenting of civil war by one Member State against another.” (UNYB 1961, p.90)</p> <p><i>### In the General Assembly XVII session, responding to a draft resolution condemning Portugal’s colonial warfare in Angola ###</i> “The representative of Portugal regretted calling foreign-led and foreign-inspired terrorism a genuine rebellion.” (UNYB 1962, p.90)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
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0	0	
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	Code	Material
5. Legitimacy Claim	2 maintenance of law and order	„Portugal reiterated its position that the overseas Portuguese territories were part of Portugal and that its policy towards them was in the best interest of the people concerned and in harmony with the Charter of the United Nations. It denied that a war of liberation was going on and said that peace and order existed in the territories. The threat to international peace and security did not come from Portugal, but from those who were trying to instigate agitation from the outside . (UNYB 1963, p. 483)

	Code	Material
6. UNSC Reaction	2 disapproves	<p><i>### Took up and addressed the situation several times throughout the conflict, often upon being urged/requested to do so by the GA or it's committees ###</i></p> <p><i>### Remarkably, the UN organs took a very active role in interpreting the law here, defining what they understood as a “non-self-governing territory” within the meaning of the Charter and contrasting the Portuguese approach to how other colonial powers pursued self-determination. ###</i></p> <p>1961</p> <p><i>### A first attempt, by Ceylon, Liberia and the United Arab Republic, to pass a resolution on the situation put it on the map of the UNSC, but ultimately did not succeed. ###</i></p> <p>“On 26 May 1961, a request was made by 42 United Nations Members—later joined by two other Members—for a Security Council meeting to be called, as a matter of urgency, to consider the situation in Angola. They charged that the massacres in Angola were continuing and human rights were being continually suppressed [...] constituted a serious threat to international peace and security.” (UNYB 1961, p. 89)</p> <p><i>### After being included on the agenda, a draft resolution was put forward on 6 June ### “deeply deploring the large-scale killings and the severely repressive measures in Angola, [which would] among other things: [...] call upon the Portuguese authorities to desist forthwith from repressive measures [...]” ### This resolution was adopted by 9 votes to 0, with 2 abstentions. ### (UNYB 1961, p. 91)</i></p> <p>1963</p>

		<p>### <i>The UNSC adopted a resolution on 31 July by 8 votes to 0 (France, US & UK abstaining).</i>###</p> <p>“By the resolution the security council among other things: (1) affirmed that the policies of Portugal in claiming territories under its administration as “overseas” territories and as integral parts of metropolitan Portugal were contrary to the principles of the Charter and the relevant resolutions of the General Assembly and of the Security Council; (2) deprecated the attitude of the Portuguese government, its repeated violations of the principles of the United Nations Charter and its continued refusal to implement the resolutions of the General assembly and the Security Council; (3) determined that the situation in the territories under Portuguese administration was seriously disturbing the peace and security in Africa; [...]” (UNYB 1963, pp. 483f.)</p> <p>1972</p> <p>“On 15 November 1972, the Security Council decided, without objection, to include in its agenda the question of the situation in the territories under Portuguese administration. [...] An invitation was also extended - at the request of Somalia and Sudan - to the representatives of the following national liberation movements in the Portuguese territories: [...] the Movimento Popular de Libertacao de Angola (MPLA).” (UNYB 1972, p. 589)</p> <p>### <i>On 22 November 1972, the council unanimously adopted resolution 322 (1972).</i> ###</p> <p>It thereby: “ (1) reaffirmed the inalienable right of the people of Angola [...] to self-determination and independence [...] (2) called upon Portugal to cease forthwith its military operations and all acts of repression against the people of Angola [...].” (UNYB 1972, pp. 591f.)</p>
7. UNGA Reaction	2 disapproves	<p>### <i>discussed extensively at numerous UN bodies, most notably in the “General Assembly’s Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to colonial countries and peoples” (Special Committee) which adopted numerous positions, resolutions and declarations over the course of the conflict, condemning – for the most part – Portugal’s actions and gradually moving towards the recognition of national liberation movements as the legitimate representatives of the peoples of Portugal’s colonies</i> ###</p> <p>1961</p> <p>“On 20 March 1961, the question of Angola was brought before the second part of the General Assembly’s fifteenth session by 40 Member states which requested inclusion of an item in the Assembly’s agenda entitled “The Situation in Angola.” (...)In an explanatory memorandum accompanying their request, they stated that the recent disturbances in Angola—involving the death of a large number of people of the territory—had aroused “concern and indignation” among the peoples of the world. The Assembly’s resolution (1542(XV)) of 15 December 1960 (on the transmission of information about Non-Self- Governing Territories) had clearly stated that Angola (...) were Non-Self-Governing Territories within the meaning of Chapter XI of the Charter.” (UNYB 1960, p. 138)</p> <p>### <i>Inclusion of the matter into the Assembly’s agenda was opposed by Portugal, following its “internal affair” argument which had previously been made in the UNSC that same month.</i> (UNYB 1960, pp. 138, 139) ###</p>

	<p>### <i>The matter was ultimately included in the agenda and addressed by a 36-power-resolution, sponsored by African and Asian countries, which had the same text as the one previously proposed in the UNSC. It was adopted on April 20 1961 by a vote of 73 to 2 (9 abstentions), as resolution 1603 (XV). ### (UNYB 1960, p. 139)</i></p> <p>1962</p> <p><i>“On 23 January 1962, a second draft resolution was submitted by 41 Members and subsequently revised, with the addition of four more co-sponsors and certain textual changes. (...) By this text, the Assembly [...] would [...] solemnly reaffirm the inalienable right of the Angolan people to self-determination and independence; (3) deeply deprecate the repressive measures and armed action against the people of Angola and the denial to them of human rights and fundamental freedoms and call upon the Portuguese authorities to desist forthwith from repressive measures against the people of Angola [...]” ### <i>It was approved by the Assembly by a vote of 99 to 2 (1 abstention), as resolution 1742 (XVI). ### (UNYB 1961, pp.93 f.)</i></i></p> <p>### <i>XVII session in November/December 1962 ###</i></p> <p><i>“the Assembly also had before it a draft resolution recommended by the Special Committee on the implementation of the Declaration of 1960 on the granting of independence to colonial countries and peoples. The Special Committee had considered Angola at two meetings in September 1962 and, by a roll-call vote of 13 to 3, with 1 abstention, had adopted a draft resolution sponsored by Cambodia, Ethiopia, India, Madagascar, Mali, Poland, Syria, Tanganyika, Tunisia, the USSR and Yugoslavia. By the preambular paragraphs of this draft, the General Assembly would, among other things, condemn the severe repressive measures being pursued by the Portuguese colonial authorities against the people of Angola and deplore the armed action being taken for their suppression (...) By the operative paragraphs of this draft, the Assembly would, among other things: condemn the colonial war pursued by Portugal and call upon it to desist forthwith from armed action and repressive measures against the people of Angola.” (UNYB 1962, pp. 89, 90)</i></p> <p><i>### during the debate on this draft res., the Chairman of the Committee, speaking also as a representative of Bolivia, made the following statement concerning Portugal’s claim, that the independence movement was foreign-led terrorism] ###:</i></p> <p><i>“[he] observed in reply that no type of political activity had been allowed in Angola in the course of the last 30 to 40 years of Portuguese administration. That was why, with one exception, all parties had had to be founded outside the territory, which had given rise to a very peculiar problem. All these parties which were located in the Congo (Leopoldville) or on the frontier, were on the periphery of the territory, yet they constituted the political center of the territory.” (UNYB 1962, p. 91)</i></p> <p><i>### A joint draft resolution based on the recommendation of the Special Committee was adopted by 57 votes to 17 (18 abstentions) as resolution 1819 (XVII) ### (UNYB 1962, p. 90-92)</i></p> <p>1963</p> <p><i>### decided to once again bring the situation to the attention of the UNSC, and to keep it on the agenda of the UNGA. Resolution 1913 (XVIII) ###</i></p>
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	<p>1971</p> <p>“On April 7 1971, the Special Committee decided to give consideration, as a matter of urgency, to a communication from Agostinho Neto, president of MPLA, concerning the use by Portugal of chemical substances [...] in the liberated areas of Angola which had destroyed crops and killed a number of people. On 13 April 1971 , the <i>Special Committee</i> adopted a resolution by which it condemned the use by Portugal of chemical substances, such as herbicides and defoliants, in Angola or in other territories. It called upon Portugal to cease forthwith from using chemical and biological methods of warfare against the peoples of the territories under its domination [...]. [The resolution] was adopted 19 to 0, with 1 abstention.” (UNYB 1971, p. 565)</p> <p>“On 9 September 1971, the Special Committee adopted a resolution whereby, among other things, it reaffirmed the legitimate right of the peoples in Southern Rhodesia, Namibia and the territories under Portuguese domination to struggle by all necessary means at their disposal against the colonialist authorities which denied them their freedom and independence [...]” (UNYB 1971, p. 566)</p> <p>“On 14 September 1971, the Special Committee adopted another resolution whereby it: condemned the persistent refusal of the Government of Portugal to implement the General Assembly’s resolution of 14 December 1960 [...]; also condemned the colonial war Portugal waged against the African peoples in Angola, [...] The Special Committee called upon Portugal: to cease all repressive activities and military operations against the people of the territories; to withdraw all military and other forces; [...]” (UNYB 1971, pp. 566-567)</p> <p><i>### GA adopts resolution, 10 December 1971 ###</i></p> <p>“The Assembly thereby, among other things, expressed its grave concern at the critical and explosive situation created by Portugal’s further intensification of its military operations and other oppressive measures against the peoples of Angola, [...] By the operative part of the resolution, the General Assembly reaffirmed the inalienable right of the peoples of the territories under Portuguese administration to self-determination and independence [...] It also condemned: (a) Portugal’s colonial wars the against the peoples of Angola,[...] (b) the indiscriminate bombings of civilians and ruthless and wholesale destruction of villages and properties by the Portuguese military forces in Angola [...]. The Assembly called upon the Government of Portugal to refrain from the use of chemical substances in its colonial wars; [...] It also urgently called upon the Government of Portugal: (a) [...] (b) to cease immediately its colonial wars and acts of repression against the peoples of Angola, [...], to withdraw military and other forces employed for that purpose and to eliminate all practices that violated the inalienable right of the African population [...].”</p> <p><i>### Resolution 2795 (XXVI), adopted 105 to 8, 5 abstentions ###</i> (UNYB 1971, pp. 569-571)</p> <p>1972</p> <p>“On 20 April 1972, the Special Committee adopted a resolution concerning all the Portuguese administered territories. [...] The Special Committee condemned the intensified colonial war waged by that Government against African peoples in the territories, including in particular the indiscriminate bombing of civilians, the ruthless and total destruction of their villages and property and the use of chemical substances, such as herbicides and defoliants, in Angola. [...] The Special Committee called upon Portugal to cease forthwith all military operations and other repressive measures against the people of Angola [...].” (UNYB 1972, 587 f.)</p>
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		<p>### Resolution 2918 (XXVII) adopted (98 to 6, 8 abstentions) on 14 November 1972 ###</p> <p>“By the preambular paragraphs of the resolution, the Assembly among other things: condemned [...] the continuation by [Portugal’s] armed forces of indiscriminate bombing of civilians, wholesale destruction of villages and property, and ruthless use of Napalm and chemical substances in Angola. [...] By the operative part of the resolution, the Assembly reaffirmed the inalienable right of the peoples under Portuguese domination to self-determination and independence, and the legitimacy of their struggle to achieve that right.</p> <p>It further affirmed that the national liberation movements of Angola [...] were the authentic representatives of the true aspirations of the peoples of those territories and recommended that, pending the territories’ accession to independence, all Governments, the specialized agencies and other organizations within the United Nations system and the United Nations bodies concerned should, when dealing with matters pertaining to the territories, ensure their representation by the liberation movements concerned in an appropriate capacity and in consultation with OAU [Organization of African Unity]. [...] particularly in order to bring about, as a matter of priority: (a) the immediate cessation by Portugal of its colonial wars and all acts of repression against the peoples of the territories, the withdrawal of its military and other forces, and the elimination of all practices which violated the inalienable rights of those populations [...]” (UNYB 1972, pp. 594 ff.)</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>### the international community was very much aware of this situation and discussed it at length in the UN forum. Notably, there is a divide between Socialist and African States, which support the liberation movements, and Portugal’s NATO allies, which are often accused of providing support essential to Portugal’s escalating efforts in its colonial wars. ###</p> <p>### there is a gradual development over the course of the conflict: the longer the situation persists, the more States start to oppose Portugal’s position and the harsher the tone of the reactions becomes. ###</p> <p>### Often, statements made focused on the self-determination aspect of this conflict and did not address the violent confrontation. These were not included here for lack of a connection to use of force and therefore lack of relevance. ###</p> <p>France: ### at a meeting of the UNSC March 10 1961 ### “stated that [...] nothing in the Charter authorized the United Nations to intervene in matters which were essentially within the domestic jurisdiction of any State.” (UNYB 1960, p.137)</p> <p>United Kingdom: ### at a meeting of the UNSC March 10 1961### “stated that [...] nothing in the Charter authorized the United Nations to intervene in matters which were essentially within the domestic jurisdiction of any State.” (UNYB 1960, p.137)</p> <p>United States:</p>

	<p>### at a meeting of the UNSC March 14 1961 ### “the United States representative supported the joint draft resolution. [...] There was no doubt, that the people of Angola were entitled to all of the right guaranteed them by the Charter. Full self-determination was now, in the view of the United States, imperative.” (UNYB 1960, p.138)</p> <p>Poland: ### in the GA, Dec 1963 ### “Poland maintained that Portugal’s colonial policy had serious international repercussions which went far beyond the boundaries of the territories under Portuguese administration. The issue was not, as Portugal claimed, a purely domestic one, but was the concern of all nations, especially the African States.” (UNYB 1963, p. 486)</p> <p>Sweden: ### in the general discussion of the Special Committee, 1971 ### “[Sweden] deplored Portugal’s colonial policies and its endeavor to conquer the spirits of the peoples of the African territories by force of arms. [...] The facts did not support Portugal’s own version of decolonization and self-determination, however, since so few Africans had the right to vote.” (UNYB 1971, p. 566)</p>
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540 Angola [liberation movements]

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2. Source of law	Contestation about					Material
		3. facts	4. interpretation	5. exceptional circumstances	6. abstr. gen. level	7. validity	
7 Self-determination	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	<p>“This experience must stimulate us, who are fighting arms in hand, to look for more advanced and much more effective forms of organization in order to achieve our purpose: complete independence. (...) Much less could we allow foreigners to continue to exploit our peoples; for imperialism to extend its clutches over our countries and subjugate them in neo-colonialism. We have to fight for complete independence!” (President of the MPLA Neto “A message to companions in the struggle”, p. 2, 3</p>

						<p>https://www.tchiweka.org/sites/default/files/documento_textual/pdf/0104.000.008.pdf (accessed on 11 June 2022))</p> <p>“That will enable us to take a decisive step regarding our inalienable rights and the confirmation of our exclusive competence to represent – wherever that may be – our country and our people. [...] Our presence here reflects our intention, expressed long ago, not to be considered as an organization set apart from the international community. Our presence is to be interpreted and understood as an expression of our dedication to the standards and principles of the United Nations Charter, those same principles which Portugal tramples under foot at all times and in all circumstances, while the international community looks on with indifference. It was in response to this irresponsible attitude of the Portuguese Government that the people of Angola, under the direction of MPLA, decided to challenge Portuguese colonialism by the use of arms, and in 1961 the armed struggle for national liberation was unleashed in our country. That was an attitude of legitimate self-defense against the massacres, the barbarism and the repression perpetrated by Portugal since its arrival in our country. We used the only means that would enable us to accede to independence [...] the MPLA has become the only legitimate representative of the aspirations of the Angolan people. [...] It need not be proved that where there is colonialist suppression, resistance must of necessity be organized by a party representing the legitimate aspirations of the dominated people to self-determination and independence.” (S/PV.1674, 17 November 1972)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defense	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	<p>“That will enable us to take a decisive step regarding our inalienable rights and the confirmation of our exclusive competence to represent – wherever that may be – our country and our people. [...] Our presence here reflects our intention, expressed long ago, not to be considered as an organization set apart from the international community. Our presence is to be interpreted and understood as an expression of our dedication to the standards and principles of the United Nations Charter, those same principles which Portugal tramples under foot at all times and in all</p>

							circumstances, while the international community looks on with indifference. It was in response to this irresponsible attitude of the Portuguese Government that the people of Angola, under the direction of MPLA, decided to challenge Portuguese colonialism by the use of arms, and in 1961 the armed struggle for national liberation was unleashed in our country. That was an attitude of legitimate self-defense against the massacres, the barbarism and the repression perpetrated by Portugal since its arrival in our country. We used the only means that would enable us to accede to independence [...] the MPLA has become the only legitimate representative of the aspirations of the Angolan people. [...] It need not be proved that where there is colonialist suppression, resistance must of necessity be organized by a party representing the legitimate aspirations of the dominated people to self-determination and independence.” (S/PV.1674, 17 November 1972)
Letter sent in accordance with Art. 51 UNCh	2 no						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material m
5. Legitimacy Claim	0	<p>### coded as 0 as the struggle for independence is already reflected in the first and second justificatory claim ###</p> <p>### struggle against exploitation of the Angolan people and as part of a global anti-imperialist movement ###</p> <p>“Our struggle is not an isolated struggle in the world. It is part of a global struggle by Humanity to bring an end to the exploitation of man by man, and it is within this framework that we must view our struggle [...]” (President of the MPLA Neto “A message to companions in the struggle”, p. 5, https://www.tchiweka.org/sites/default/files/documento_textual/pdf/0104.000.008.pdf (accessed on 11 June 2022))</p>

		<p>### emphasizing the high moral standing of the MPLA's struggle ###</p> <p>“Who is it, then, who is sold to foreigners in order to be able to continue with their shameful politics? It is only the Portuguese fascists. MPLA; the Vanguard of the Angolan people, who fight honorably with arms in hand, has not sold itself. We accept nothing in exchange for our Independence! Victory or death! Victory is certain!” (President of the MPLA Neto “A message to companions in the struggle”, p. 16, https://www.tchiweka.org/sites/default/files/documento_textual/pdf/0104.000.008.pdf (accessed on 11 June 2022))</p>
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	Code	Material
6. UNSC Reaction	3 unclear	<i>see Portugal 6</i>
7. UNGA Reaction	1 approves	<p><i>see Portugal 7</i></p> <p>1972: “The Special Committee expressed satisfaction at the progress achieved by the national liberation movements in Angola [...] for the realization of national independence and freedom [...]. It asked all States [...] to render to the peoples of the territories, through their national liberation movements, the moral and material assistance necessary to continue their struggle for freedom and independence.” (UNYB 1972, p. 588)</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Portugal 9</i>

21. War in Assam 1962

Key data

Duration: 20.10.1962 – 22.11.1962; Parties: People's Republic of China (PRC) vs. India; Initiator: People's Republic of China.

710 People's Republic of China (PRC)

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	1 Yes	2 No	2 No	2 No	<p>"Jenmin Jih Pao declared: 'It is high time to shout to Mr. Nehru that the heroic Chinese troops with their glorious tradition of resisting foreign aggressive can never be cleared by anyone from their own territory.'" ("Peking Insists India Curb Army; Threatens Strong Counterattack", The New York Times, 15.10.1962, p. 3, https://timesmachine.nytimes.com/timesmachine/1962/10/15/issue.html (accessed on 15 June 2022))</p> <p>"Jenmin Jih Pao said that although the Chinese Government had never recognized the McMahon Line, Chinese troops had never crossed it. It added that territory 'now being guarded by Chinese</p>

						<p>troops' was all to the north of the line. The areas 'forcibly occupied' by Indian troops are all to the north of the line, the newspaper charged, and 'those who should really be cleared off are intruding Indian troops and by no means Chinese troops, who are defending their own territory.' ("Peking Insists India Curb Army; Threatens Strong Counterattack", The New York Times, 15.10.1962, p. 3, https://timesmachine.nytimes.com/timesmachine/1962/10/15/issue.html (accessed on 15 June 2022))</p> <p><i>### Jenmin Jih Pao = The official newspaper of the communist party ###</i> <i>### McMahan Line = Frontier line concerning the eastern sector of the dispute (Assam / NEFA), drawn on the map by Sir Henry McMahan, British diplomat, during negotiations between Tibet and Great Britain in 1914. China participated in these negotiations but did not ratify the Shimla-Treaty. ###</i></p> <p>"On October 20th the Chinese Defence Ministry issued a statement which said that at 07.00 hours that morning the Indian troops had launched large-scale attacks, not only on the Namka Chu but also from their posts in the Chip Chap and Galwan valleys in the western sector. 'In self-defence, the Chinese frontier guards were compelled to strike back resolutely, and cleared away some aggressive strong points set up by the Indian troops in China's territory.'" (Maxwell, India's China War, 1970, pp. 371f.)</p> <p>"The fact that the Chinese Government's proposal has taken as its basis the 1959 line of actual control and not the present line of actual contract between the armed forces of the two sides is full proof that the Chinese side has not tried to force any unilateral demand on the Indian side on account of the advances gained in the recent counter-attack in self-defence." (Letter by Chou En-Lai to Nehru, quoted by Maxwell, India's China War, 1970, p. 376)</p> <p>"China will never yield before an ever-deeper armed advance by India, nor ... give up its right to self-defence when unwarrantedly attacked." (Chinese diplomatic note to India, quoted by Maxwell, India's China War, 1970, pp. 238f.)</p> <p><u>1.3 Contestation about facts</u></p> <p>"Again, in 1965, when Mr. Chou En-lai visited India, Mr. Nehru referred to the wrong Chinese maps, especially in relation to the Eastern Sector. Mr Chou En-lai then said that he had accepted the McMahan Line as the border between China and Burma, and he would accept this border with India also." (Indian Ministry of External Affairs in Publication "India-China Conflict", February 1965, p. 5)</p>
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							“While notes on preliminary discussions on ease the tension were being being exchanged, the Chinese troops, suddenly on September 8, 1962, marched across the well-established and, till then, peaceful boundary in the Eastern Sector, viz., the McMahon Line. [...] The Chinese armies [...] marched well inside Indian territory [...]” (Ibid, p. 7)
Letter sent in accordance with Art. 51 UNCh	2 no						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	### Neither the UNSC nor the UNGA discussed the issue or passed a Resolution. ###
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	Reactions in support of India: United States: “Our sympathy in the situation is wholeheartedly with you. You have displayed an impressive degree of forbearance and patience in dealing with the Chinese. You have put into practice what all great religious leaders have urged, and so few of their

	<p>followers have been able to do.” (Letter from President JF Kennedy to Prime Minister Nehru, quoted by Maxwell, India’s China War, 1970, p. 364).</p> <p>Western States in general: “the general reaction in the Western world was one of quick and unquestioning sympathy and support for India, led by the British and American Governments.” (Maxwell, 364) By November 1962, India claimed that 39 nations had voiced their support for India (Ethiopia, Ecuador, Guatemala, Jordan, Luxembourg, Mexico, Dominican Republic, USA, UK, Bolivia, Nicaragua, France, Ceylon, Cyprus, New Zealand, Australia, Trinidad, West Germany, Holland, Switzerland, Venezuela, Costa Rica, Iran, Norway, Chile, Haiti, Japan Greece, Libya, Congo, Uganda, Panama, Canada, Philippines, Iceland, Nigeria, Argentina, Italy, Malaya). (Maxwell, India’s China War, 1970, p. 364).</p> <p>Other reactions: “[...] the reaction of the non-aligned governments whose leadership India had sometimes aspired to was by contrast reserved and wary... .” (Maxwell, India’s China War, 1970, p. 364).</p> <p>“Not a single expression of sympathy for India has come from any Arab Government, any political party or newspaper, or public personality even a week after the invasion.” (Maxwell, India’s China War, 1970, p. 364, citing an Indian newspaper)</p> <p>### The <i>USSR</i> supported the People’s Republic of China### (Weisburd, Use of Force: The Practice of States since World War II, 1997, p. 264)</p> <p>Non-Aligned Afro-Asian “Colombo Conference”: ### Led by the Prime Minister of Sri Lanka, leaders from Burma, Ghana, Indonesia, the United Arab Republic, and Cambodia met in December 1962. They reached out to Premier Chou En-lai and Prime Minister Nehru, suggesting a peaceful settlement with a ceasefire, withdrawal of troops, establishment of buffer zones, and negotiations### (Lu, The Sino-Indian Border Dispute, 1985, pp 78-81)</p>
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750 India

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	1 Yes	2 No	2 No	2 No	<p>### We discussed whether law was invoked in this case. The first quote, being a directive, can, by nature, not be a justification invoked after a use of force occurred. The second quote, invoking India's legitimate right, we found to be straight-forward enough to count as a legal claim. The third quote also clearly has legal reference, but relates to China's actions, and is therefore not a justificatory claim <i>stricto sensu</i>. ###</p> <p>"So far as Ladakh is concerned, we are to patrol as far forward as possible from our present positions towards the international border. This will be done with a view to establishing our posts which should prevent the Chinese from advancing any further and also dominating from any posts which they may have already established in our territory. This must be done without getting involved in a clash with the Chinese, unless this becomes necessary in self-defense." (Indian government directive to the armed forces, quoted by Maxwell, India's China War, 1970, p. 221)</p> <p>"It is the legitimate right, indeed the duty, of the Government of India to take all necessary measures to safeguard the territorial integrity of India" (Indian government, quoted by Maxwell, India's China War, 1970, p. 234)</p> <p>"Finally, on Oct. 20, 1962, Chinese forces commenced a massive attack on Indian defence posts in both the western and eastern sector and began a large-scale invasion of Indian territory. They have overrun all Indian defence posts in the western sector [Ladakh] and have occupied a vast area of Indian territory in the eastern sector [south of the McMahon Line]. China's policy of unlawfully occupying Indian territory has now culminated in large-scale aggression." (Statement by the Indian External Affairs Ministry, 27 November 1962, quoted by Keesing's Contemporary Archives 1962, 19126)</p> <p>"The Chinese have in many ways acknowledged it as the border, even though they have called the McMahon Line 'illegal.' ... Yet, on this peaceful border, where no trouble or fighting had occurred for a long time, they [the Chinese] committed aggression in very large numbers and after preparations for a major attack. I am grieved at the setbacks to our troops on this frontier and the reverse we</p>

						<p>have had." (Public broadcast by Nehru, 22 October 1962, quoted by Keesing's Contemporary Archives 1962, 19137)</p> <p>"The Resolution [...] (2) expressed 'high appreciation' of the 'valiant struggle of the officers and men of our armed forces defending the frontiers,' and 'homage to the martyrs who have laid down their lives in defending ... our motherland' [...] (5) Expressed 'the firm resolve of the Indian people to drive the aggressor from the sacred soil of India however long and hard the struggle may be.'" (Resolution of Indian Parliament, 8 November 1962, quoted by Keesing's Contemporary Archives 1962, 19141)</p>
Letter sent in accordance with Art. 51 UNCh	2 no					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see PRC 9</i>

22. Mozambique-Portuguese War 1964-1975

Key data

Duration: 25.09.1964 – 25.06.1975; Parties: Portugal vs. Mozambique; Initiator: Mozambique.

235 Portugal

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
9 non-applicability of the prohibition on the use of force	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>“The representative of Portugal maintained that the United Nations had no competence under its Charter to question the constitutional status of any Portuguese territory or the constitutional structure of the Portuguese nation. The constitutional structure of Portugal was centuries old and any change in it concerned Portuguese citizens alone, in other words, all the people inhabiting all Portuguese territories, regardless of race, colour, religion or other distinction. Portugal had consistently upheld the Charter, and it made no apology for not accepting resolutions which contravened the Charter. Portugal was neither repressing the people of any of its territories nor</p>

							conducting any military operations against them, but was defending them against armed bands sent in from outside." (UNYB 1966, 610)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	2 disapproves	„Affirms that the situation resulting from the policies of Portugal both as regards the African population of its colonies and the neighboring States seriously disturbs international peace and security .. reaffirms its urgent demand to Portugal for: the immediate recognition of the right of the peoples of the Territories under its administration to self-determination and independence; the immediate cessation of all acts of repression and the withdrawal of all military and other forces at present employed for that purpose “ (S/RES/218, 23 November 1965)
7. UNGA Reaction	2 disapproves	“Noting with deep concern that the policy and acts of the Portuguese Government with regard to the Territories under its administration have created a situation which constitutes a serious threat to international peace and security” and “Reaffirms the inalienable right of the peoples of the Territories under Portuguese administration to self-determination and independence and upholds without any reservations the claims of those peoples for their immediate accession to independence (...) The

		immediate cessation of all acts of repression and the withdrawal of all military and other forces at present employed for that purpose.” (UNGA Res 1807 (XVII), 14 December 1962)
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p>African States: “It [Portugal] has continued its repressive measures and use of armed force against the indigenous population of these territories; the implications of these measures for international peace and security are exemplified by the recent violations of the Senegalese territory” (UN S/5347, p. 4)</p> <p>### Requesting UNSC to take action to ensure greater respect for and compliance with the resolutions of the UN, even if this meant the imposition of sanctions against Portugal since: “the situation was dangerous and threatened international peace, the Council should not await an explosion before acting” (UN A/5802, 16 July 1963- 15 July 1964, para. 55)</p> <p>United Kingdom/ United States: ### Denied charges of assisting Portugal by the receipt of arms and military equipment as NATO allies (UNYB 1964, p. 608; 1965; pointing to its “purely economic” interests)</p> <p>United States: Reaffirming its support for the right of the people of the territories under Portuguese administration to full and genuine self-determination, replying to charges made, stating that the NATO as an organization did not supply arms to Portugal for use in the territories (UNYB 1964, p. 609)</p> <p>Mali, Bulgaria, Tanzania: ### Critic for the assistance Portugal received from NATO members (UNYB 1964, pp. 608 ff.)</p> <p>USSR: ### Considering NATO an accomplice in Portugal’s growing threat against independent African States (UNYB 1970, p. 761)</p> <p>“the Soviet Union fully shared the sentiments of the Heads of African States and Governments in requesting the final liquidation of colonialism on the African continent. It was one of the fundamentals of the era that colonialism and neo-colonialism were not only connected with exploitation, deprivation, human indignity, poverty and wretchedness of entire peoples but at the same time threatened international peace and security.” (A/5802, 16 July 1963- 15 July 1964, para. 59)</p> <p>“Portugal’s attitude of ignoring the decision of the United Nations represented a threat to international peace and security.” (ibid., para. 60)</p> <p>Ethiopia / Ivory Coast:</p>

	<p>“the various reports on the territories showed that the situation in the territories had not improved but had become more serious as Portugal had failed to implement the SC and GA resolutions” (UNYB 1966, p. 609)</p> <p>“Ethiopia considered that the tripartite alliance between Portugal, Southern Rhodesia and South Africa, which was designed to perpetuate their rule, constituted an act of aggression against Africa.” (UNYB 1969, p. 702)</p> <p>Tunisia: “the policy and acts of the Portuguese Government with regard to its territories and its refusal to heed the legitimate aspirations of the Angolan people constituted a threat to international peace and security” (UN A/5802, 16 July 1963- 15 July 1964, para. 56)</p> <p>Sierra Leone: “While the legal situation of the territories differed, the political situation was the same: a black majority was being oppressed by a small white minority” (UNYB 1970, p. 760)</p> <p>Mali: “In Mali's view, the Special Committee should urge the Council to take enforcement measures against Portugal under Chapter VII of the Charter.” (UNYB 1968, p. 792)</p> <p>Madagascar: Comparing the Portuguese and South African problems, stating that “in both cases there was a threat to peace, systematic refusal to comply with the decision of the United Nations and a deliberate determination to ignore the injunctions of universal conscience” (A/5802, para. 57); “Prompt and effective action was necessary not only for the prestige of the Organization but even in the interest of Portugal” (ibid.)</p> <p>Ghana: “The legality of the far-reaching and significant changes made in the Portuguese Colonial Act of 1951, by which the Portuguese Government had unilaterally decided that its colonies were integral parts of Portugal, was seriously compromised by the failure of that Government to ascertain the wishes of the people concerned. That the fiction might be ancient did not alter its character. How could Africans be changed into Portuguese, except by their own choice?” (A/5802, 16 July 1963- 15 July 1964, para. 66)</p> <p>“The representative of Ghana said that the representative of Portugal had made it very clear that there was a conflict going on in Angola, Mozambique, Cabinda and Guinea. The very fact that African countries were behind the nationalists fighting for their independence meant a threat to international peace and security.” (A/5802, 16 July 1963- 15 July 1964, para. 65)</p> <p>Tanzania:</p>
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	<p>“urged the Council to pronounce that Portugal’s behaviour in Africa constituted a threat to international peace within the meaning of Chapter VII of the UNC” (UNYB 1965, p. 607 f.)</p> <p>Liberia: “Portugal had refused to fulfil its obligations and had tried to hide behind Article 2 VII UNC. However, Article 2 VII was not relevant to territories which had been colonies of and were entities separate from Portugal.” (A/5802, 16 July 1963- 15 July 1964, para. 53)</p> <p>Sweden: “Sweden expressed disappointment that although there were indications of a gradual liberalization in Portugal, the new Government had not yet introduced changes in its overseas policy. Sweden considered that people fighting for freedom had the right to assistance from the UN; Sweden also suggested that the UN adopt a resolution, with the widest possible support, which would convey to Portugal that practically the entire international community demanded a change in its overseas policy” (UNYB 1970, p. 764)</p> <p>Senegal: “Portugal’s aggression against African States and its denial of self-determination to the territories it occupied have continued, despite UN SC unequivocal condemnations”; Portugal had been assisted by NATO, but that it still, could not refrain national liberation movements to liberate and reconstruct in certain areas (UNYB 1972, p. 80)</p>
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541 Mozambique

	Code
Law invoked?	2 No

1.1 Justificatory claim	2 Source of law	Contestation about					Material
		3 facts	4 interpretation	5. exceptional circumstances	6 abstr. gen. level	7 validity	

0	0	0	0	0	0	0	0	### Mozambique itself being dominated by Portugal was very quiet: Instead, Frente de Libertação de Moçambique (FRELIMO) – not listed as a party – was addressing the situation. ###
Letter sent in accordance with Art. 51 UNCh	0 – not applicable							

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<i>see Portugal 6</i>
7. UNGA Reaction	3 unclear	<i>see Portugal 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Portugal 9</i>

23. Vietnam War, Phase 2 1965-1975

Key data

Duration: 7.2.1965 – 30.4.1975; Parties: (North) Vietnam vs. United States of America, South Vietnam, Philippines, Australia, South Korea, Cambodia, Thailand; Initiator: United States.

2 United States of America

Code	
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence (individual and collective)	3 Both	2 No	1 Yes	2 No	2 No	2 No	S/6174, Letter of 7 February 1965 from the Representative of the USA to the President of the Security Council: "In the early morning of 7 February 1965, local time, Viet Cong forces carried out coordinated attacks on South Vietnamese airbases (...). The Government of the ROV and the Government of the US immediately consulted and agreed that it was necessary to take prompt defensive action. (...) Members of the Security Council will recall that we discussed in the Council, in August 1964, aggression by the Hanoi regime against naval units of the US in the Gulf of Tonkin (...). The Republic of Vietnam and, at its request, the Government of the US and other Governments are resisting this systematic

						<p>and continuing aggression. Since reinforcement of the Viet Cong by infiltrators from North Vietnam is essential to this continuing aggression, counter-measures to arrest such reinforcement from the outside are a justified measure of self-defence.” (43, 44)</p> <p>Legal Adviser of the US Department of State, Leonard C. Meeker, 54 Dep’t St. Bull. 474-489, 4 March 1966: “International law has long recognized the right of individual and collective self-defence against armed attack. South Vietnam and the United States are engaging in such collective defense consistently with international law and with United States obligations under the United Nations Charter.” (474) “For several years, from 1959 to 1961, in violation of the 1954 Geneva Accords between North and South Vietnam, North Vietnamese personnel and munitions entered South Vietnam with the purpose to encourage hostilities (474). (...) The Northern Vietnamese waged guerrilla warfare, and it is unclear when the aggression grew into an ‘armed attack’, but there can be no doubt that it had occurred before February 1965.” (475) “Art. 2(4) in no way “diminish(es) the inherent right of self-defence referred to in Art. 51.” (475). “The right is not conferred by the charter, and, indeed, Art. 51 expressly recognizes that the right is inherent under international law”. “Therefore, also non-UN members like South Vietnam have the right to self-defence. In addition, South Vietnam “has expressed its ability and willingness to abide by the charter, in applying for United Nations membership.” (476) Charter law has become part of the “general law of nations”; Neither wording of Art. 51 nor other provisions of the Charter preclude the right of US to collective self-defence requested by South-Vietnam. (476, 477) If South Vietnam is not considered as an independent sovereign State, also as a “recognized international entity” it has the right of self-defence and the US is thus entitled to participate in the collective self-defence”. (478)</p> <p>S/10631, Letter of 8 May 1972 from the Permanent Representative of the United States to the United Nations Addressed to the President of the Security Council: “These measures of collective self-defence are hereby being reported to the UNSC as required by Article 51 of the UN Charter. (...) The Republic of Vietnam and the United States of America have jointly decided to take the following measures of collective self-defence.”</p>
<p>Letter sent in accordance with Art. 51 UNCh</p>	<p>1 yes S/6174, Letter of 7 February 1965 from the Representative of the USA to the President of the Security Council S/10631, Letter of 8 May 1972 from the Permanent Representative of the United States to the United Nations Addressed to the President of the Security Council</p>					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1.	1 enable self determination	<p>President Johnson, Message to Congress, 5 August 1964, Department of State Bulletin 1964, p. 261: "Our policy in southeast Asia has been consistent and unchanged since 1954. (...) The issue is the future of southeast Asia as a whole. A threat to any nation in that region is a threat to all, and a threat to us. Our purpose is peace. We have no military, political, or territorial ambitions in the area. This is not just a jungle war, but a struggle for freedom on every front of human activity. Our military and economic assistance to South Vietnam and Laos in particular has the purpose of helping these countries to repel aggression and strengthen their independence."</p> <p>S/6575, Letter of 30 July 1965 from the Permanent Representative of the US to the President of the Security Council, 31 July 1965: "The United States will continue to provide assistance to the people of the Republic of Viet-Nam in defending their independence, sovereignty and right to choose their own government; (...) The US Stands ready to collaborate unconditionally with members of the Security Council in the search for an acceptable formula to restore peace and security to that area of the world."</p> <p>S/7391, Letter of the Permanent Representative of the US to the President of the Security Council, 30 June 1966: "Our sole objective is to help the people of South Vietnam prevent the success of the aggression being waged against them from the permit them the opportunity to shape their own destiny (...)."</p> <p>Ambassador Goldberg, A/PV.1412, 22 September 1966, p.5: "This attack by North Viet-Nam contravenes not only the United Nations Charter, but also the terms of General Assembly resolution 2131. (...) The United States of America and other countries have responded to appeals from South Viet-Nam for military assistance. Our aims in giving this assistance are strictly limited. We are not engaged in a holy war against communism. We do not seek to establish an American empire or a sphere of influence in Asia. We seek no permanent military bases, no permanent establishment of troops, no permanent alliances and no permanent American presence of any kind in South Viet-Nam. We do not seek to impose a policy of alignment on South Viet-Nam. (...) We want</p>

		<p>a political solution, not a military solution, to this conflict. We seek to assure for the people of South Viet-Nam the same right of self-determination to decide its own political destiny, free of force, that the United Nations Charter affirms for all.”</p> <p>Honolulu Declaration, 8 February 1966: “Part III: (1) The United States of America is joined with the people and Government of Vietnam to prevent aggression. This is the purpose of the determined effort of the American armed forces now engaged in Vietnam. (...). It aims simply to help a people and Government who are determined to help themselves. (2) The United States is pledged to the principles of the self-determination of peoples, and of government by the consent of the governed. It therefore gives its full support to the purpose of free elections proclaimed by the Government of South Vietnam and to the principle of open arms and amnesty for all who turn from terror toward peace and rural construction. (...) (4) The purpose of the United States remains a purpose of peace. The United States Government and the Government of Vietnam will continue in the future, as they have in the past, to press the quest for a peaceful settlement in every forum. (...).”</p>
5.2.	6 defence against ideology	<p>Statement by Secretary Rusk, 6 August 1964, US Department of State Bulletin 1964, p. 263: "The present attacks, then, are no isolated event. They are part and parcel of a continuing Communist drive to conquer South Vietnam, control or conquer Laos, and thus weaken and eventually dominate and conquer other free nations of southeast Asia. One does not need to spell out a "domino theory"; it is enough to recognize the true nature of the Communist doctrine of world revolution and the militant support that Hanoi and Peking are giving to that doctrine in southeast Asia. (...) Here, as elsewhere, we believe that nations are entitled to remain free and to develop as they see fit. The United States has no military, territorial, or political ambitions for itself in southeast Asia. We seek only the restoration of peace and the removal of Communist subversion and aggression.”</p> <p>S/6278, 7 April 1965, Remarks of the President at Shriver Hall Auditorium Johns Hopkins University Baltimore, Maryland: “Over this war - and all Asia - is another reality: the deepening shadow of Communist China. The contest in Viet-Nam is part of a wider pattern of aggressive purposes.(...) We are there because we have a promise to keep. (...) Over many years, we have made a national pledge to help South Viet-Nam, defend its independence. (...) We are also there to strengthen world order. (...) The central lesson of our time is that the appetite of aggression is never satisfied. To withdraw from one battlefield means only to prepare for the next. We must say in South-East Asia - as we did in Europe - in the words of the Bible: "Hitherto shalt thou come, but no further.”</p>

	Code	Material
6. UNSC Reaction	5 no reaction	<p>S/7168, Letter of 27 February 1966 of the President of the Security Council (Japan): “These differences of views have made it impossible for me to report, at this Stage, agreement on a precise course of action the Council might follow. (...). I could detect a certain degree of common feeling (...): General grave concern and growing anxiety over the hostilities and a strong desire for the early cessation and a peaceful solution (...) through negotiations in an appropriate forum (...).”</p> <p>UN Secretary General, Press Conference, 6 April 1966, UNYB 1966, p. 147, fn. 9: “Today, only the United States, of all the parties involved, is a Member. (...) The first prerequisite to Security Council action on any dispute is that the Council must be in a position to hear both sides of the question; but there is at present no prospects of Peking or Hanoi coming to the Security Council”.</p>
7. UNGA Reaction	3 unclear	<p>UN Yearbook 1966, pp. 152ff.: “Although the question of Viet-Nam was not an item on the agenda of the twenty-first session of the General Assembly, its gravity was recognized in references to the problem by 107 of the 110 speakers in the General Debate in</p>

		<p>the opening phase of the session; the discussion turned, as the representative of Sweden said, into a veritable poll of international public opinion. The question was generally recognized as a serious threat to international peace and security" (152). "Although a number of representatives favoured a direct or indirect role for the United Nations, the majority appeared to share the Secretary-General's view as to the undesirability of United Nations involvement" (156)</p> <p>S/7658, Letter of 30 December 1966 from Secretary General to the Permanent Representative of the US: "I also wish to recall that in the course of the twenty-first session, in the debate of the General Assembly, the majority of the delegations have endorsed the three-Point programme. Many more heads of delegations, also specifically pleaded for the cessation of the bombing of North Viet-Nam. It seems to me that this is a very clear indication of the public opinion of the world at large on this issue."</p> <p>A/8401/Add. 1, Introduction to the Annual Report of the Secretary-General on the Work of the Organization September 1971, p.4: "The absence of the People's Republic of China and both parts of Viet-Nam from our Organization has largely deprived the parties themselves of United Nations Channels of communication and the world community of the means of exerting a mediatory role. (...) It is with deep regret that I have seen so many efforts to promote peace achieve such limited success."</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Approving</p> <p>ROV: S/6185, Letter of 10 February 1965 of the Permanent Observer of the DRV to the President of the Security Council: "In order to discourage the repetition of this brutal attacks the Vietnames Air Force, with the assistance of the United States Air Force had to take action (...). This response has only a defensive purpose. (...) To defend itself against this aggression directed and supported from the outside, the Government of the DRV had to request assistance from friendly nations (...). Among them the US has been in a position to give the most substantial assistance to the DRV, in its struggle for survival. It is clear that the American military assistance to the DRV has been requested and has been given only in view of the Communist aggression and will cease (...) whenever Hanoi decides to stop effectively that aggression."</p> <p>Letter from Prime Minister Nguyen Cao Ky of the ROV to the Secretary-General of the UN, 4. October 1966, UN Doc S/7535: "In the interest of self-preservation and self-defence, as well as from a desire to help heal the wounds inflicted on our people by war, the Republic of Viet-Nam has called upon friendly Governments for both military and economic assistance. The United States [and others, Anm] have responded to our request and thanks to their contribution the DRV has been able to defend itself against the tide of communist aggression."</p> <p>China (ROC): "At this stage of our discussion, let me content myself with saying that, in the view of my delegation, the action taken by the United States is entirely justified under the established rules of international law and under the provisions of the United Nations Charter." (S/PV.1140, 5 August 1964, para. 13)</p>

	<p>UK: S/PV.1140, 5 August 1964: "It seems to my delegation in these circumstances that, having regard to the repeated nature of these attacks and their mounting scale, the United States Government has a right, in accordance with the principle of self-defence as interpreted in international law, to take action directed to prevent the recurrence of such attacks on its ships. Preventive action in accordance with that aim is an essential right which is embraced by any definition of that principle of self-defence. It therefore seems to my delegation that the action taken by the United States Government is fully consistent with Article 51 of the Charter. It is the right of every nation whose ships are subjected to such acts of aggression on the high seas to take immediate measures to that end in accordance with the right of self-defence. It is right and proper that the United States representative should have reported to the Council this afternoon ... the measures which his Government has felt compelled to take in exercise of this right – measures which, I repeat, are in the view of my delegation fully consistent with Article 51 of the Charter."</p> <p>Australia, New Zealand, Philippines, Thailand, South Korea: S/7591, Letter of 15 November 1966 to the Secretary General: <i>### See below, Justificatory Claim, Philippines ###</i></p> <p>Disapproving</p> <p>DRV: <i>### See below, Justification & Legitimacy Claim DRV ###</i></p> <p>Cambodia: <i>### See below, Invocation of Use of Force Claim Cambodia. ###</i></p> <p>USSR: S/PV.1140, 5 August 1964: "I have to declare that the Soviet Government most emphatically condemns the bombardment of coastal installations of the DRV by US armed forces. In our view, it can only be characterized as aggressive." (11) United Nations, Security Council, Letter dated 9 February 1965 from the representative of the Union of Soviet Socialist Republics to the President of the Security Council. S/6178: "Attempting to create at least the semblance of a pretext for these new acts of armed aggression against the DRV, US official quarters argue that, in the course of their liberation struggle, South Vietnamese patriots strike at military installations situated in the territory of the US occupied South Vietnam. But who gave the US the right to retaliate for the actions of the guerrillas in South Vietnam, for the defeats that the occupiers and their henchmen are suffering there, by bombing the territory of a third country – the DRV?" (48-49) "The people of South Vietnam is waging a hard, just struggle against foreign intervention. It wants only one thing – to settle its domestic affairs by itself without any foreign interference." (49) Statement of the Soviet Government, 9 March 1965, UN Doc S/6225: "The incessant provocations by United States armed forces against the Democratic Republic of Viet-Nam cannot be regarded otherwise than as acts of planned aggression (...). All this constitutes a glaring violation of the Geneva Agreements on Indo-China and a breach of the elementary standards of international law. Such an arbitrary course in international affairs cannot but incur the most emphatic condemnation."</p>
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	<p>UNSC 1271 Meeting, 1 February 1966, UN Doc S/PV. 1271, para. 38: “the United States Government has renewed its barbaric bombing of the territory of a sovereign Socialist State (...) the continuation of the criminal aggressive policy of the United States against the Democratic Republic of Viet-Nam, a policy which constitutes a flagrant violation of the United Nations Charter and the fundamental principles of international law.”</p> <p>Letter dated 30 November 1971 from the representative of the Union of Soviet Socialist Republics addressed to the Secretary General, UN Doc S/10406: “For many years, the United States imperialists have pursued a policy of constant interference and aggression in Viet-Nam (...). They have waged an extremely brutal war of destruction on Viet-Nameese soil, committing grave crimes against population of both parts of Viet-Nam.”</p> <p>Letter from the Permanent Representative of the USSR to the Secretary General of the UN, 4 January 1972, UN Doc S/10494: “Recently the United States has committed fresh acts of aggression against the Democratic Republic of Viet-Nam. (...) The Soviet people react with angry protest and indignation to the lawless actions of the United States aggressors. They vigorously condemn the aggressive course pursued by the United States in Indo-China.”</p> <p>United Nations, Security Council, Letter Dated 15 May 1972 from the Permanent Representative of the USSR to the UN addressed to the President of the Security Council. S/10649: “These actions again demonstrate to the whole world the piratical nature of the war which the United States has unleashed and has been waging for many years against the Viet-Nameese people. One aggressive action leads to another (...). Barbarous acts and crimes are followed by new and graver ones. (...) The United States Government will bear the entire responsibility for the possible consequences of its illegal actions. (...) United States acts of aggression against the DRV must be ended.”</p> <p>Peoples Republic of China: Statement of the Government, 5 August 1964, Xinhua News Agency, quoted from Jian, China's Involvement in the Vietnam War 1964-69, The China Quarterly, 1995, p. 365: “America's aggression against the Democratic Republic of Vietnam is also aggression against China. China will never fail to come to the aid of the Vietnamese”.</p> <p>United Nations, Security Council, Letter Dated 11 May 1972 from the Permanent Representative of China to the UN addressed to the Secretary-General and the President of the Security Council. S/10638: “The United States is the aggressor on the Viet-Nam question. (...) These acts of aggression on the part of the United States are absolutely impermissible under international law and the United Nations Charter. The United States has no right whatsoever to invoke the provisions of Article 51 of the United Nations Charter concerning the exercise of the right of self-defence.”</p> <p>International Control Commission (Canada, India, Poland): Special Report, 13 February 1965, dissented by Canada, in “The international control commission for Vietnam; The diplomatic and military context”, V. Brosnan, University of British Columbia, 1975, p. 98: “U.S. military action had been taken against military installations in the DRVN. (...) These documents point to the seriousness of the situation and indicate violations of the Geneva Agreement”</p> <p>Czechoslovakia:</p>
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		<p>S/6187, Letter of 11 February 1965 from the Permanent Representative of Czechoslovakia Addressed to the President of the Security Council: "Of particular danger for the international peace are the armed provocations of the United States against the Democratic Republic of Viet-Nam (...). These actions constitute a gross violation of the Geneva agreements and are completely contrary to the basic norms of international law. The attempts of the United States Government by which it is trying to justify its aggression are untenable and cannot mislead the world public. The Czechoslovak Government strongly condemns these aggressive actions (...)"</p> <p>Poland: S/6190, Letter of 12 February 1965 from the Permanent Representative of Poland Addressed to the President of the Security Council: "The Government of (Poland) strongly condemns military action of the United States directed against the DRV as well as the American military intervention in South Vietnam which has been carried on for years (...). The acts of aggression launched by the United States constitute a violation of the basic principles of international law and particularly of the Geneva Agreements and of the United Nations Charter." (2) Ambassador Winiewicz, United Nations General Assembly 21 session plenary meeting 1434, 10 October 1966, p. 3, UN Doc. A/PV.1434: "Aggression has been described (by the US, Anm.) as defence against aggression. Violations of the sovereignty of the DRV through air bombing have been presented as actions intended to bring about negotiations; violations of the agreements which twelve years ago brought peace to Indochina, as fulfilment of international commitments."</p> <p>Romania: UN Doc S/6224, 9 March 1965, Statement by the Government of the Romanian People's Republic on aggressive military actions of the US against the DRV: "These actions which have aroused legitimate indignation and many protests throughout the world, are acts of war that cannot be justified by anything, acts perpetrated against an independent and sovereign State. They are a grave violation of the norms of international law and of the Charter of the United Nations Organization. (...) The Government of the Romanian People's Republic condemns the aggressive actions perpetrated by the United States military forces in Viet-Nam. (...)".</p> <p>Hungary: S/6201, 25 February 1965, Resolution of the National Assembly of the Hungarian People's Republic of 12 February 1965: "The National Assembly and the Government of the Hungarian People's Republic condemn with profound indignation these new criminal acts of the United States. (...) The Hungarian people, alongside with all peace-loving peoples of the world, considers the attacks against the Democratic Republic of Viet-Nam (...) constituting a wanton aggression and the most sinister crimes in flagrant violation of the norms of international law and of humanitarianism."</p> <p>Mongolia: S/2603, 26 February 1965, Statement by the Government of the Mongolian People's Republic, 9 February 1965: "The Government of the Mongolian People's Republic, vigorously condemning the aggressive attacks by the United States on the Democratic Republic of Viet-Nam as a most flagrant violation of the Geneva Agreements of 1954 concerning Viet-Nam and of the rules of international</p>
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	<p>law, considers that the responsibility for the consequences of this act of aggression, which is fraught with danger to the cause of peace in Asia and in the entire world, must fall squarely on the United States Government.”</p> <p>Letter dated 13 May 1972 from the from the Permanent Representative of Mongolia to the President of the Security Council, UN Doc S/10651: “The United States ruling circle has taken new criminal steps in the escalation of the armed aggression in Viet-Nam (...) These new piractical acts by the U.S. military against the Viet-Nameese people and the gross violation by the U.S. of the universally recognized principle of freedom of navigation in the high seas pose a serious threat to peace and international security. The Mongolian people and the Goernment of the Mongolian People’s Republic shyarply condemn these adventurist acts of the U.S. military (...)”.</p> <p>Byealorussian SSR: S/4702, Letter of 11 July 1966 from the from the Permanent Representative of the Byealorussian SSR to the President of the Security Council: “The Byelorussian SSR resolutly condemns the aggressive actions of the United States in Viet-Nam and its attempts to use the United Nations as a cover for these actions.”</p> <p>Ukrainian SSR: S/4703, Letter of 11 July 1966 from the from the Permanent Representative of the Ukrainian SSR to the President of the Security Council: “The Ukrainian SSR resolutly condemns the aggressive actions of the United States in Viet-Nam and its attempts to use the United Nations as a cover for these actions.”</p> <p>Cuba: S/10642, Letter of 11 May 1972 from the from the Permanent Representative of Cuba to the President of the Security Council: “The president of the U.S. has not hesitated to put himself above international law (...)The illegal blockade of the Democratic Republic of Viet-Nam, to be achieved by mining the entrances to its ports and subjecting its rail communications and internal waterways to intense bombing, constitutes the most bold-faced and arrogant violation within memory of the Charter of the United Nations and the most fundamental rules of international law. (...) In accordance with Article 51, it is essential that the right of self-defence should enter into the picture. However, what right of self-defence is the Nixon Government exercising in a country situated thousands of miles from the United States under invasion and attack by the United States Army Navy and Air Force? What "collective self--defense" can Nixon be talking about when the tottering puppet regime of Nguyen Van Thien is kept in power only by the open support of the American armed forces, as all can see, including; the people of the United States themselves? (...) Mr. Nixons decision constitutes a shameless and impudent flouting of international law, an unprecedented mockery of the Charter of the United Nations (...)”</p> <p>Yugoslavia: S/10640, Letter of 11 May 1972 from the from the Permanent Representative of Yugoslavia to the President of the Security Council: “The Government and peoples of Yugoslavia most sharply condemn the decision of the United States Government (...) to bomb on a large scale this war-afflicted country. These aggressive actions directly imperil peace and international security and may lead to a new world conflict.”</p>
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		Syrian Arab Republic: S/10640, Letter of 2 June 1972 from the Permanent Representative of the Syrian Arab Republic to the President of the Security Council: "This naked aggression against the peoples of Indo-China in general and the Viet-Nameese people in particular, and this flagrant violation of international law, of human principles and of the Charter of the United Nations, do not threaten peace in this region of Asia alone but threaten peace all over the world (...)."
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816 (North) Vietnam [Democratic Republic of Vietnam]

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 No spec.	2 No	1 Yes	2 No	2 No	2 No	S/5888, Statement of the Government of the Democratic Republic of Viet-Nam of 6 August 1964 (transmitted by the USSR representative): "The use of planes for strafing and bombing on 5 August 1964 is obviously a premeditated war act which was part of the United States Government's plan to increase provocations and sabotage against the DRV (...) To cover up its dark designs the U.S. has fabricated the story of two American destroyers being attacked for the second time of the gulf of Vietnam. (...) The air attack on Viet-Nam territory on 5 August (...) is an extremely serious war act of the United States Government against the DRV, an extremely crude violation of international law and the 1954 Geneva Agreements on Indo-china and increases the danger of war expansion in Indo-China and South-East Asia." "President Ho Chi Minh of the DRV", The New York Times, 08.08.1964, p. 3 https://timesmachine.nytimes.com/timesmachine/1964/08/08/118534305.html?pageNumber=3 , (accessed on 16 June 2022): "I wish to tell public opinion in the United States and throughout the

						<p>world of the indignation and wrath of our entire people at the United States Government's deliberate acts of aggression against the Democratic Republic of [North] Vietnam.”</p> <p>S/5907, Telegram dated 19 August 1964 from the Minister for Foreign Affairs of the DRV addressed to the president of the Security Council: “On the afternoon of 2 August, the US destroyer Maddox (...) opened fire inside Vietnamese territorial waters on patrol boats belonging to the DRV which were thus obliged to defend themselves immediately. (...) The ultimate origin and the immediate causes of these surprised acts of aggression perpetrated by the United States Government on 5 August 1964 against the DRV should be accentuated. (...) Exercising its sacred right of self-defence, the Vietnamese people inflicted well-deserved blows on the United States aggressors.”</p> <p>Speech of Prime Minister Pham Van Dong, Vietnam Courier, 9 September 1965: “The extension of air attacks on North Vietnam is an extremely blatant war act against the Democratic Republic of Vietnam, an independent and sovereign country. This is a most serious violation of the 1954 Geneva Agreements on Indo-China, of the U.N. Charter and of international law”.</p> <p>Statement of President of the DRV Ho Chi Minh, 24 January 1966 (transmitted to Security Council by USSR, 1273 Meeting, 2 February 1966, S/PV.1273, para.7.): “It is perfectly clear that the United States is the aggressor which is trampling underfoot the soil of Viet-Nam. The people of South Viet-Nam, the victims of that aggression, are compelled to fight in self-defence. If the United States really desires peace, it must recognize the National Front for the Liberation of South Viet-Nam as the only genuine representative of the population of South Viet-Nam and engage in direct negotiations with it.”</p> <p>Statement of the Government of the DRV, Vietnam Courier, 16 December 1966: “The Vietnamese people are fighting against U.S. imperialist aggressors to defend the independence and freedom of their fatherland and safeguard peace in Asia and the world”.</p>
Letter sent in accordance with Art. 51 UNCh	2 no					

4. Invocation of use of force by a victim state	.1 Source	Material				
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5. Legitimacy Claim	Code	Material
5.1.	1 enable self-determination	<p>Nguyen Van Vinh, Chairman of the DRV State Committee for Reunification, Vietnam Courier, 23 September 1965: “Who gives the U.S. the right to introduce its troops into South Vietnam and why does it not respect the South Vietnamese people’s right to self-determination, that is peace neutrality, independence and democracy with a view to reunifying Vietnam?”</p> <p>Statement of the National Assembly of the DRV, Vietnam Courier, 28 April 1966: “Let us (...) under the glorious national salvation banner (...) liberate the South, [and] contribute to defend the North with a view to the ultimate reunification of our country. (...) Let our people take steady steps (...) in the defence of North Vietnam and the liberation of South Vietnam with a view to the peaceful reunification of the country, thus making worthy contributions to the world people’s struggle for peace, national independence, democracy and social progress!”</p> <p>Speech of President Ho Chi Minh, Vietnam Courier, 28 April 1966: “Our people cherish peace, but genuine peace can only be achieved when there is real independence and freedom. We fight (...) to achieve real peace, independence and freedom (...). We should strive to defend North Vietnam and (...) assist the liberation of South Vietnam (...). Our people advancing to liberate South Vietnam and thus contributing to the defence of North Vietnam and to eventual peaceful national reunification.”</p> <p>Speech of Prime Minister Pham Van Dong, Vietnam Courier, 12 September 1966: “Our fighters are combating the U.S. aggressors in order to defend the North, to liberate the South and to reunify the country. (...) The army and people of North Vietnam have been fighting heroically to defend socialist North Vietnam, defend the D.R.V. and the gains of August Revolution (...). For our National salvation, for the anti U.S. struggle of the world’s people’s we shall fight resolutely until total victory. Our people love peace but genuine peace and not a pax americana under the boots of U.S. aggressors. Our people are fully aware that only when independence and freedom are gained can there be real peace. (...)”.</p> <p>Letter of President of the DRV Ho Chi Minh to US President Lyndon B. Johnson, Vietnam Courier, 27 March 1967: “The Vietnamese people deeply love independence, freedom and peace. In the face of U.S. aggression, they (...) are determined to carry on their resistance until they have won genuine independence and freedom and true peace. (...) Our cause is absolutely just.”</p> <p>Article of the Foreign Minister of the DRV, Nguyen Duy Trinh, Vietnam Courier, 24 July 1967: “The Vietnamese people are heroically struggling to defend socialist North Viet Nam, liberate South Viet Nam, build a peaceful, reunified, independent, democratic and prosperous Viet Nam. They are struggling for their country’s independence and freedom and also for the world people’s peace revolution. Their struggle is just. (...) Struggling for the country’s independence and freedom, we struggle for the right to self-determination of our people (...). The right to self determination of a people means: only this people can determine their own fate, no one has a right to use armed force to interfere in their life..., to deprive them of their rights. It is obvious that only the Vietnamese</p>

		<p>people have the right to shape their own destiny. But the U.S. imperialists have trodden on the fundamental rights of the Vietnamese people, preventing the from exercising their sacred rights.”</p>
	<p>7 enforcing a specific political system</p> <p>6 defence against ideology</p>	<p>Speech of Prime Minister Pham Van Dong, Vietnam Courier, 8 June 1965: “The Vietnamese people are resolved to stand firm in the world people’s struggle against U.S. aggressors (...) To struggle for their sacred national rights and at the same time for peace, national independence, democracy and social progress. Our people are fulfilling their revolutionary duty (...) and their internationalist duty (...), which constitutes part of the world revolution. Constantly linking their national cause with the common cause of the people in all continents (...) Vietnamese people are resolved to support the struggle against U.S. led imperialism and colonialism, to achieve (...) national independence (...). The Vietnamese people are firmly confident that this marks a vigorous step forward (...) the just (...) struggle of Vietnamese people and workers against the U.S. imperialism.”</p> <p>Speech of Prime Minister Pham Van Dong, Vietnam Courier, 9 September 1965: “The holy patriotic struggle in South Vietnam and our entire people’s resistance against U.S. aggression and for national salvation are bringing the people’s revolutionary war to new heights, displaying magnificent examples of determination (...) for the defence of sacred national rights and demonstrating that the world’s peoples are quite capable of defeating U.S. imperialism (...). Socialist North Vietnam is the base for the struggle for the revolutionary cause of the whole country. (...) Our heroic compatriots and fighters in South Vietnam are marching forward to win ever greater victories, to liberate South Vietnam and to defend North Vietnam.”</p> <p>Statement of the National Assembly of the DRV, Vietnam Courier, 28 April 1966: “To defeat the U.S. aggressors – the common enemy of the world peoples - is the glorious historic mission of our people. We struggle for our national interests and at the same time for those of other peoples the world over. (...) Let us (...) under the glorious national salvation banner (...) liberate the South, [and] contribute to defend the North with a view to the ultimate reunification of our country. (...) Let our people take steady steps (...) in the defence of North Vietnam and the liberation of South Vietnam with a view to the peaceful reunification of the country, thus making worthy contributions to the world people’s struggle for peace, national independence, democracy and social progress!”</p> <p>Speech of President Ho Chi Minh, Vietnam Courier, 28 April 1966: “We have the responsibility and great honour to stand in the frontline of the world people’s struggle against U.S. imperialist aggression.”</p> <p>Government Report, delivered by Prime Minister Pham Van Dong, Vietnam Courier, 28 April 1966: “A world-wide struggle is now taking place: on one side are U.S. imperialism and all other reactionary forces, on the other one are the socialist forces, national and democratic forces, the justice- and peace loving people in the world. It is the biggest, the widest and the greatest struggle ever waged by the world people for their vital interests: peace, national independence, democracy and social progress. (...) It keeps developing and has opened up promising prospects (...) It is in this sense that the united front of the peoples of the countries fighting against U.S. imperialism will wage a very diversified and lively struggle.”</p> <p>Speech of Prime Minister Pham Van Dong, Vietnam Courier, 12 September 1966: “The present great war of resistance of our people against U.S. aggression, for national salvation is an integral part of the revolutionary struggle of the working people and oppressed peoples all over the world against U.S imperialism for peace, national independence, democracy and socialism. (...) the Vietnameses people’s war of resistance against U.S. aggression is the focus if the struggle of the worlds’ peoples struggle against U.S. imperialism.”</p>

	Code	Material
6. UNSC Reaction	5 no reaction	<i>see United States 6</i>
7. UNGA Reaction	3 unclear	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Approving</p> <p>Peoples Republic of China: Editorial of the Official Newspaper of the Communist Party of China, 25 March 1965 & Public Announcement of the Premier of the Peoples Republic of China, Zhou Enlai, 29 March 1965 quoted from Jian, China's Involvement in the Vietnam War 1964-69, The China Quarterly, 1995, p. 367: "China will offer the heroic Vietnamese people any necessary material support, including the supply of weapons and all kinds of military materials, and if necessary, China is also ready to send its personnel to fight together with the Vietnamese people to annihilate the aggressors." Pamphlet of the Minister of Defense Lin Pao, Long Live the Victory of People's War!, 1965, p. 66: "The struggle of the Vietnames people against U.S aggression (...) is now the focus of the struggle of the people of the world against U.S. aggression. The determination of the Chinese people to support and aid the Vietnames people in their struggle against U.S. aggression is unshakable. (...) The Chinese people will do everything in their power to support the Vietnamese people until every single one of the U.S. aggressors is driven out of Vietnam."</p> <p>USSR: United Nations, Security Council, Letter dated 9 February 1965 from the representative of the Union of Soviet Socialist Republics to the President of the Security Council, UN Doc S/6178: "The Democratic Republic of Viet-Nam is a small State and is not as well-armed. But the people of that country is defending a just cause, is defending its national independence, its freedom, and it has reliable and powerful friends." S/10406, Letter of 30 November 1971 from the representative of the Union of Soviet Socialist Republics addressed to the Secretary General: "The Soviet Party-Government delegation (...) expresses its admiration for the heroic struggle of the Viet-Nameese people for the independence and freedom of their homeland and against the United States interventionists and their accomplices (...) The Communist Party of the Soviet Union and the whole Soviet people reaffirm their unwavering determination to continue to support the Viet-Nameese people in their struggle against the United States aggressors" (p.9) Letter from the Permanent Representative of the USSR to the Secretary General of the UN, 4 January 1972, UN Doc S/10494: "Faithful to its international duty, the Soviet Union fully supports the just position of the fraternal Democratic Republic of Viet-Nam. (...) The Soviet Union will continue to extend the necessary assistance to the Democratic Republic of Viet-Nam to repulse any assault on its sovereignty and independence."</p> <p>Czechoslovakia:</p>

		<p>S/6187, Letter of 11 February 1965 from the Permanent Representative of Czechoslovakia Addressed to the President of the Security Council: "The Czechoslovak Government strongly condemns these aggressive actions and declares that the Czechoslovak Socialist Republic stands firmly on the side of the fraternal socialist country which had become the victim of imperialist aggression. (...) The Czechoslovak Government and all Czechoslovak people express their deep sympathy to and complete solidarity with the just struggle of the people of South-eastern Asia."</p> <p>Poland: S/6190, Letter of 12 February 1965 from the Permanent Representative of Poland Addressed to the President of the Security Council: "The Polish People's Republic, as well as all the socialist countries and other countries pursuing a policy of peace, expresses its solidarity with the just struggle of the Vietnamese people for independence, freedom and peace."</p> <p>Hungary: S/6201, 25 February 1965, Resolution of the National Assembly of the Hungarian People's Republic of 12 February 1965: "Endorsing the appeal of the Government of the Democratic Republic of Viet-Nam, the National Assembly assures the Vietnamese people, who endured so much suffering, of its full solidarity and emphatically protests against the continuous violation of the Geneva Agreements as well as the incessant provocations against the Vietnamese people."</p> <p>Mongolia: S/10651, Letter of 13 May 1972 from the from the Permanent Representative of Mongolia to the President of the Security Council: "The Mongolian people, loyal to their international duty, express anew their firm support for the fraternal Viet-Nameese people and their determination to continue strengthening the militant solidarity with the Viet-Nameese people's heroic struggle against the United States aggression."</p> <p>Syrian Arab Republic: S/10676, Letter of 2 June 1972 from the Permanent Representative of the Syrian Arab Republic to the President of the Security Council: "Condemning this atrocious and ugly aggression perpetrated by American imperialist forces against -the Democratic Republic of Viet-Nam, the Syrian Arab Republic declares its full solidarity with the heroic Viet-Nameese people in its struggle to liberate its territories and its homeland."</p> <p>Disapproving:</p> <p>Australia, New Zealand, Philippines, Thailand, United States of America, South Korea: S/7591, Letter of 15 November 1966 to the Secretary General: <i>### See below, Justificatory Claim, Philippines ###</i></p> <p>United States of America: <i>### See Justificatory Claim ###</i></p>
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		<p>ROV: ### See Justificatory Claim. ###</p> <p>Canada: Minority opinion of the international Control Commission, 13 February 1965, in "The international control commission for Vietnam; The diplomatic and military context", V. Brosnan, University of British Columbia, 1975, p. 98: "The Mission has brought to the Commission's attention mounting evidence to show that the Government of North Vietnam has expanded its aggressive activities against the Government of South Vietnam and has infiltrated growing numbers of armed personnel and increasing amounts of military equipment into South Vietnam for the purpose of overthrowing the Government of South Vietnam by force".</p>
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817 South Vietnam [Republic of Vietnam]

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<p>S/6185, Letter of 10 February 1965 from the Permanent Observer of the ROV to the President of the Security Council: "In order to discourage the repetition of this brutal attacks, the Vietnames Air Force, with the assistance of the United States Air Force had to take action (...). This response has only a defensive purpose and is intended to be of limited character. It is hoped that it will have a moderating effect on the Hanoi regime, whose aggressions against the ROV have been established by the International Control Commission. (...) To defend itself against this aggression (...), the ROV is to request assistance from friendly nations in the free world. (...)"</p> <p>Letter from the Permanent Observer of the ROV to the President of the Security Council, 26 February 1965, UN Doc S/6204: "These undeniable pieces of evidence confirm once more the persistent policy</p>

						<p>of aggression of the Hanoi authorities, supported and assisted by other Communist countries, against the Republic of Viet-Nam.”</p> <p>S/6262, Letter of 26 March 1965 from the Permanent Observer of the ROV to the President of the Security Council: “The Republic of Viet-Nam is the victim of an implacable aggression organized and directed from the outside. The key to the peace in this area therefore is not for the defenders to compromise their right of self defence, but for the aggressors to stop their criminal activities, to allow the people of Viet-Nam to rebuild in peace and to make possible stability in South-East Asia.”</p> <p>S/7535, Letter of 4 October 1966 from Prime Minister Nguyen Cao Ky of the ROV to the Secretary-General of the UN: “The root cause of the war in Vietnam (...) is simple: The Republic of Viet-Nam is the object of an armed attacked (...) by North Viet-Nam. (...) A ruthless campaign of murder, terror and intimidation was then launched and has gradually grown into a full-scale armed attack involving the use of regular armed forces of North Viet-Nam. This war violates the most elementary rule of international law (...) In the interest of self-preservation and self-defence, as well as from a desire to help heal the wounds inflicted on our people by war, the Republic of Viet-Nam has called upon friendly Governments for both military and economic assistance. (...) Thanks to their contribution the DRV has been able to defend itself against the tide of communist aggression. (...) As long as the communists continue their efforts to subjugate our country, we have no alternative but to continue to defend ourselves (...) When the aggression initiated by the North has ceased, the Government of the Republic of Viet-Ram will be able to halt its defensive military measures.”</p> <p>Letter to the Secretary General, 15 November 1966, UN Doc S/7591: “The people of South Viet-Nam ask only that the aggression that threatens their independence and (...) freedom be halted. (...) The people of Vietnam are defending their own territory against those seeking to obtain by force and terror what they have been unable to accomplish by peaceful means.” (9)</p> <p>Proclamation of the National Assembly of the ROV, 4 April 1972, UN Doc S/10592: “We strongly condemn the act of open aggression committed by the North viet-nameese communists, by launching their troop across the demarcation line to invade the territory of the ROV (...) Our nation is firmly united behind the armed focres of the ROV in their fight to smash communist North Viet-Nams invasion and to protect our independence and territorial integrity (...) We appeal to the UN (...) to support the legitimate struggle of self-defence of the (...) ROV.”</p> <p>S/10592, Communique issued on 3 April 1972 by the Ministry of Foreign Affairs of the ROV: “The Government of the ROV strongly condemns the North-Vietnames policy of armed aggression against the south (...) The people and government of the ROV are determined (...) to protect the national territory and to consolidate peace in freedom.”</p>
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Letter sent in accordance with Art. 51 UNCh	1 S/6185	yes
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	6 defence against ideology	<p>S/5906, Letter of 15 August 1964 from the Minister for Foreign Affairs of the Republic of Viet-Nam Addressed to the President of the Security Council:</p> <p>“In particular, thirty-four documents (...) furnish evidence of the terrorist acts and atrocities committed by the Viet-Cong in South Viet-Nam, Communist aggressive policy, the illegal introduction into South Viet-Nam of arms and war material and of specialized cadres of the Communist army of North Viet-Nam, some of which have infiltrated into South Viet-Nam by sea and others by land, through Laos and Cambodia. (...) Since 1954, hostilities have never ceased in Viet-Nam, and my Government solemnly reaffirms its determination to fight against Communist aggression and safeguard the independence and freedom of the Vietnamese people.”</p> <p>Honolulu Declaration, 8 February 1966:</p> <p>“Part II: 1. We must defeat the Vietcong and those illegally fighting with them on our soil. We are the victims of an aggression directed and supported from Hanoi. That aggression--that so-called "war of national liberation"--is part of the Communist plan for the conquest of all of southeast Asia. The defeat of that aggression is vital for the future of our people of South Vietnam.”</p> <p>S/7535, Letter of 4 October 1966 from Prime Minister Nguyen Cao Ky of the ROV to the Secretary-General of the UN:</p> <p>“Thanks to their contribution the DRV has been able to defend itself against the tide of communist aggression. (...) As long as the communists continue their efforts to subjugate our country, we have no alternative but to continue to defend ourselves (...)”</p>

	Code	Material
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6. UNSC Reaction	5 no reaction	<i>see United States 6</i>
7. UNGA Reaction	3 unclear	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Approving</p> <p>Australia, New Zealand, Philippines, Thailand, United States of America, South Korea: S/7591, Letter of 15 November 1966 to the Secretary General & S/7591, 25 October 1966, Manila Declaration</p> <p><i>### See both Justificatory Claim, Philippines ###</i></p> <p>Disapproving</p> <p>DRV and other Communist Countries: <i>### See their State Reaction to U.S., because ROV government is seen only as "puppet regime" [e.g. DRV Prime Minister, Vietnam Courier, 23 September 1965; Cuba, S/1064] of the U.S. ###</i></p> <p>Cambodia: <i>### See below, Invocation of Use of Force Claim Cambodia ###</i></p>

840 Philippines

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	

1 self-defence (collective)	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>S/7591, Joint Letter of 15 November 1966 to the Secretary General by Australia, New Zealand, Philippines, Republic of Viet-Nam, Thailand, United States of America, South Korea: “South Viet-Nameese people shall not be conquered by aggressive force and shall enjoy the inherent right to choose their own way of life and their own form of Government. We continue our military and all other efforts (...) until the aggression is ended. At the same time our purpose is peace. (...) Our common commitment is to the defence of the South Viet-Nameese people. Our sole demand on the leaders of North is that they abandon their aggression. We are prepared to pursue any avenue which could lead to a secure and just peace (...)” (4) “Allied forces are in the Republic of Viet-Nam because that country is the object of aggression and its Government requested support in the resistance of its people to aggression. They shall withdraw, after close consultation, as the other side withdraws its forces to the North, ceases infiltration, and the level of violence thus subsides.” (10)</p> <p>S/7591, 25 October 1966, Manila Declaration: “ We the leaders of the seven nations gathered in Manila: desiring peace and progress in the Asian-Pacific region; having faith in the purposes and principles of the United Nations which call for the suppression of acts of aggression and respect for the principle of equal rights and self-determination of peoples; determined that aggression should not be rewarded; respecting the right of all peoples to choose and maintain their forms of government; seeking a peaceful settlement of the war in Viet-Nam; and being greatly encouraged by the growing regional understanding and regional co-operation among the free nations of Asia and the Pacific hereby proclaim this declaration of principles on which we base our hopes for future peace and progress in the Asian and Pacific region: I. Aggression must not succeed. The peace and security of Asia and the Pacific and, indeed, of the entire world, are indivisible. The nations of the Asian and Pacific region shall enjoy their independence and sovereignty free from aggression, outside interference, or the domination of any nation. Accepting the hard-won lessons of history that successful aggression anywhere endangers the peace, we are determined to fulfil our several commitments under the United Nations Charter and various mutual security treaties so that aggression in the region of Asia and the Pacific shall not succeed. (...) IV. We must seek reconciliation and peace throughout Asia. We do not threaten the sovereignty or territorial integrity of our neighbours, whatever their ideological alignment. We ask only that this be reciprocated. The quarrels and ambitions of ideology and the painful frictions arising from national fears and grievance should belong to the past. Aggression rooted in them must not succeed. We shall play our full part in creating an environment in which reconciliation becomes possible, for in the modern world men and nations have no choice but to learn to live together as brothers.”</p>
Letter sent in accordance with Art. 51 UNCh	1 yes S/7591						

4. Invocation of use of force by a victim state	1. Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	<p>6 defence against ideology</p> <p>7 enforcing a specific political system</p>	<p>Radio-television Speech of President Marcos, 18 February 1966, quoted from Ingles, The Philippine Position on the Vietnam Question, Philippine Studies, 1966, p. 633: "We desire the establishment of peace in Vietnam at the earliest practicable time (...). We regard it as essential that the relentless pressure of Communist aggression in Vietnam be stopped. (...) It is our unquestioned obligation as a free people to succor peoples of kindred faith fighting in defense of their freedom. If we did not, we would be disloyal to our own history and ignorant of the meaning of past events; and perhaps most important of all, we feel that in aiding Vietnam we are insuring our own future safety."</p> <p>Statement of President Marcos in June 1966, quoted from Larsen, Vietnam Studies - Allied Participation In Vietnam, 1974, p. 54: "If we send engineers to Vietnam this will be because we choose to act on the long-held convictions of the Philippine people, that the option for liberty must be kept for every nation, that our own security requires that democracy be given the chance to develop freely and successfully in our own part of the world."</p> <p>Congressman Pelaez, Chairman of the House Committee on Foreign Affairs, 31 March 1966, quoted from The Philippine Position on the Vietnam Question, Philippine Studies, 1966, p. 646: "There is, therefore, a second front in Vietnam in the fight against Communism. That front is to build a society in the image of freedom, to help the government of South Vietnam in its efforts to show to the people that it can be better than any government which the North Vietnamese or the Viet Cong or the Communists could give them. That is why, Mr. Speaker, the 'Honolulu Declaration' was to me a happy turn of events. In that statement the heads of state of the United States and South Vietnam expressly declared it to be the prime objective of their common fight (...) to build a society in freedom and peace where every man will have the opportunity to live his own life and work out his own destiny. It is in this field that we can be most effective. I say that if we help in this area of building up a new society in Vietnam, we can be as effective as thousands of American soldiers. We can do things which the Americans cannot do. Destiny has placed us in the same</p>

		region with affinities of color and race with the Vietnamese. We are all Asians. We can do much in helping build this new society from the grassroots.”
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	Code	Material
6. UNSC Reaction	5 no reaction	<i>see United States 6</i>
7. UNGA Reaction	3 unclear	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Approving ### See United States 9 ###</p> <p>ROV: S/7535, Letter of 4 October 1966 from Prime Minister Nguyen Cao Ky of the ROV to the Secretary-General of the UN</p> <p>Disapproving</p> <p>DRV: Speech of Prime Minister Pham Van Dong, Vietnam Courier, 9 September 1965: “At present, in (...) the Philippines, the ruling circles are selling out their national rights to the U.S. imperialists, and turning their territories into bases of the U.S. bandits in the war of aggression in Vietnam”.</p>

900 Australia

	Code
Law invoked?	1 Yes

	UNSC	Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence (collective)	3 Both	2 No	1 Yes	2 No	2 No	2 No	<p>Ministerial Statement of Prime Minister Sir Robert Menzies from the "Parliamentary Debates", 29 April 1965: "The Australian Government is now in receipt of a request from the Government of South Vietnam for further military assistance. We have decided to provide an infantry batallion for service in South Vietnam (...). Assessing all this, it is our judgment that the decision to commit a battalion in South Vietnam represents the most useful additional contribution which we can make to the defence of the region at this time. The takeover of South Vietnam would be a direct military threat to Australia and all the countries of South and South East Asia."</p> <p>S/6399, Letter of 1 June 1965 from the Charge D'Affaires A.I. of Australia to the UN Secretary- General: "The Australian Government has noted the Soviet Government's statement and regrets that it is based on a distortion of the situation in Vietnam. The 'direct and unprovoked aggression against the Vietnamese people' to which the Soviet statement refers in fact emanates from Hanoi, through its control and direction of the Viet Cong in South Vietnam. (...) The Australian Government, while not itself a party to the 1954 Geneva Agreements, took note of them and undertook to apply the principles of the Charter of the United Nations, including Article 2(4), in regard to the settlement in Vietnam. The Australian Prime Minister said publicly, when the Agreements were concluded, that Australia would view aggression in violation of the Indo-China settlement as a threat to international peace and security. The action now taken by the Australian Government is in accordance with the attitude it has consistently adopted towards the Geneva Agreements. Moreover, the provision of Australian assistance to South Vietnam is in no way contrary to international law. The right of individual or collective self-defence is an acknowledged right in international law and is recognized in the Charter of the United Nations. (...) It is the authorities in North Vietnam who have, to use the words of the Soviet statement, acted 'in violation of the most elementary norms of international law.'"</p> <p>S/7591, Joint Letter of 15 November 1966 to the Secretary General by Australia, New Zealand, Philippines, Republic of Viet-Nam, Thailand, United States of America, South Korea: <i>### See Justificatory Claim 1.1. Philippines. ###</i></p> <p>S/7591, 25 October 1966, Manila Declaration: <i>### See Justificatory Claim Philippines 1.1. ###</i></p>

Letter sent in accordance with Art. 51 UNCh	1 yes S/6399
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	<i>see United States 6</i>
7. UNGA Reaction	3 unclear	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Approving</p> <p>### See United States 9 ###</p> <p>ROV: S/7535, Letter of 4 October 1966 from Prime Minister Nguyen Cao Ky of the ROV to the Secretary-General of the UN:</p> <p>Disapproving</p>

	<p>USSR: S/6363, Letter of 15 May 1965 from the Permanent Representative of the USSR addressed to the Secretary-General: "Australia is thus embarking on a course of direct and unprovoked aggression against the Vietnamese people. This action by the Government of Australia is a violation of the principle rules of international law. (...) The policies of the Government of Australia with regard to Viet-Nam run counter to the interests of maintaining world peace and easing international tension."</p> <p>DRV: S/6363, Letter of 15 May 1965 from the Permanent Representative of the USSR addressed to the Secretary-General: "In a statement dated 1 May 1965 the Government of the DRV sharply condemned this step taken by the Government of Australia and voiced a vigorous protest."</p>
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732 South Korea

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence (collective)	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	S/7591, Joint Letter of 15 November 1966 to the Secretary General by Australia, New Zealand, Philippines, Republic of Viet-Nam, Thailand, United States of America, South Korea, & S/7591, 25 October 1966, Manila Declaration: ### see Justificatory Claim 1.1. Philippines ###
Letter sent in accordance with Art. 51 UNCh	1 yes S/7591						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	6 defence against ideology	<p>President of the Republic of Korea, Chung Hee Park, in Hanguk Ilbo, 13 October 1965, quoted from Joungwon Alexander Kim, Korean Participation in the Vietnam War, 1966, p. 28: "If we fail to block the Communist invasion of South Vietnam, we will lose the whole of Southeast Asia, and the security of the Republic of Korea itself cannot be guaranteed. We have received aid from other countries in the past, and now the time has come in history when we are able to help others."</p> <p>President of the Republic of Korea, Chung Hee Park, in Nyondukyoso, Annual New Year's Message to the National Assembly, January 1966 quoted from Joungwon Alexander Kim, Korean Participation in the Vietnam War, 1966, p. 28: "Where would we be today had our Free World allies not come to our assistance fifteen years ago? Our troops are not in Vietnam purely in the interest of our own safety. More significantly, we are making a moral repayment of our historical debt to the Free World."</p> <p>South Korean Defense Minister Sung-eun Kim quoted from Joungwon Alexander Kim, Korean Participation in the Vietnam War, 1966, p. 35: "South Korea's enemy is international Communism and therefore a defeat of Communism anywhere improves its security - Vietnam is, in effect, Korea's "Second Front"; if aggression is defeated now it will teach China, who is piloting the war, a lesson, and deter later aggression which might be directed against Korea; Korea's international prestige will be enhanced by its valiance on the battlefield while the improvements in Korea's economy will bolster its international economic posture as well."</p>

	Code	Material
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6. UNSC Reaction	5 no reaction	<i>see United States 6</i>
7. UNGA Reaction	3 unclear	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Approving</p> <p>### <i>See United States 9</i> ###</p> <p>ROV: S/7535, Letter of 4 October 1966 from Prime Minister Nguyen Cao Ky of the ROV to the Secretary-General of the UN:</p> <p>Disapproving</p> <p>DRV: S/6363, Letter of 15 May 1965 from the Permanent Representative of the USSR addressed to the Secretary-General: "In a statement dated 1 May 1965 the Government of the DRV sharply condemned this step taken by the Government of Australia and voiced a vigorous protest."</p>

811 Cambodia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	

Letter sent in accordance with Art. 51 UNCh	0 – not applicable
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4. Invocation of use of force by a victim state	.1 Source	Material
1 yes	4 no spec.	<p>### Cambodia has consistently addressed complaints regarding the use of force on Cambodian territory by American South Vietnamese military forces without ever taking defensive measures: Several complaints in 1964, UNYB 1964, p. 139; 11 complaints in 1965, UNYB 1965, p. 190; 15 complaints in 1966, UNYB 1966, p. 161; 40 complaints in 1967, UNYB 1967, p. 151; 60 complaints in 1968, UNYB 1968, p. 185; 55 complaints in 1969, UNYB 1969, p. 170. ###</p> <p>Instead of many, cf. S/6256, Letter of 25 March 1965 from the Permanent Representative of Cambodia to the President of the Security Council: "The Royal Government of Cambodia has made a strong protest against these acts of aggression committed by the United States-South Viet-Nameese forces and places joint responsibility upon the Governments of the United States and South Viet-Nam, which alone will have to face their possible consequences."</p> <p>S/6803, Letter of 18 October 1965 from the Permanent Representative of Cambodia to the President of the Security Council: "On 15 October 1965, the U.S.-South Viet-Nameese air forces carried out three successive raids (...). This cowardly aggression by United States and South Vietnamese air-forces against peaceful and defenceless peasants, clearly situated within Cambodian territory, caused (...) seven dead people. This hateful and unprovoked aggression constitutes further proof of the extreme brutality of the U.S.-South Viet-Nameese forces (...) The Royal Government of Cambodia registers the most solemn protest against this intolerable act of provocation against Cambodia (...)."</p> <p>S/6324, Letter of 3 May 1965 from the Permanent Representative of Cambodia to the President of the Security Council: "On 28 April 1965 U.S. South Viet-Nameese aircraft intruded into Cambodian airspace (...) dropped bombs (...). The Royal Government of Cambodia vigorously and indignantly protests against this new and particularly serious act of aggression committed by the United States-South Viet-Nameese forces against peaceful villagers. It holds the Governments of the United States and of South Viet-Nam jointly responsible and demands that appropriate reparation should be paid to the victims."</p>

	Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	5 no reaction	<i>see United States 6</i>
7. UNGA Reaction	3 unclear	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	

800 Thailand

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence (collective)	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	S/7591, Joint Letter of 15 November 1966 to the Secretary General by Australia, New Zealand, Philippines, Republic of Viet-Nam, Thailand, United States of America, South Korea, & S/7591, 25 October 1966, Manila Declaration: ### see Justificatory Claim 1.1. Philippines ###
Letter sent in accordance to Art. 51 UNCh	1 yes UN Doc S/7591						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	6 defence against ideology	Statement of the Thai Government of 3 January 1967, quoted from Larsen, Vietnam Studies – Allied Participation in Vietnam, 1974: “Thailand is situated near Vietnam and it will be the next target of communists, as they have already proclaimed. This is why Thailand realizes the necessity to send Military units to help oppose communist aggression when it is still at a distance from our country. (...) The time has come when we Thais must awake and take action to oppose aggression when it is still at a distance from our country. This being a practical way to reduce danger to the minimum, and to extinguish a fire that has already broken out before it reaches our home. (...) Opposing aggression when it is still at a distance is a practical measure to prevent our own country being turned into a battlefield. It will protect our home from total destruction, and safeguard our crops from any danger threatening. Our people will be able to continue enjoying normal peace and happiness in their daily life with no fear of any hardships, because the battlefield is still far away from our country. (...) It is therefore most proper and suitable in every way for us to send combat forces to fight shoulder-to-shoulder with other countries in opposition to aggression, especially at a time when that aggression is still far away from our country. (...)”

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	3 unclear	<i>see United States 6</i>
8. ICJ Reaction	4 no reaction	<i>see United States 7</i>
9. State Reaction	3 unclear	<p>Approving</p> <p>### See United States 9 ###</p> <p>ROV: S/7535, Letter of 4 October 1966 from Prime Minister Nguyen Cao Ky of the ROV to the Secretary-General of the UN:</p>

		<p>Disapproving</p> <p>DRV: S/6363, Letter of 15 May 1965 from the Permanent Representative of the USSR addressed to the Secretary-General: “In a statement dated 1 May 1965 the Government of the DRV sharply condemned this step taken by the Government of Australia and voiced a vigorous protest.”</p>
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24. Second Kashmir War 1965

Key data

Duration: 05.08.1965 – 23.9.1965; Parties: Pakistan vs. India; Initiator: Pakistan.

750 India

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	<p>“I have already spoken about my Government’s position in regard to this fresh aggression by Pakistan against the Indian State of Jammu and Kashmir, about the forbearance my Government has shown and the measures of self-defence that we have been forced to take.” (S/PV.1237, 04 September 1965, p. 41, para 200)</p> <p>“Every nation has the inherent right to exercise self-defence, and that is what we have done against these armed infiltrators. The action undertaken by Pakistan is surely net defensive action. Its massive attack with tanks, heavy artillery and aircraft deep inside Jammu and Kashmir-accounts of</p>

						<p>which members of the Security Council must have read-cannot be defensive action, as I have already indicated.” (S/PV.1238, 06 September 1965, p. 19, para. 58)</p> <p>“Now I hope to satisfy you that even after Pakistan’s aggression every step that we have taken has been in self-defence. Our reply to Pakistan has not been offensive; it has been purely defensive.” (S/PV.1239, 17 September 1965, p. 7, para. 34)</p> <p>“I say that the Council must call upon Pakistan to desist from carrying out hostilities, and I ask it, under Article 39 of the Charter [...] to determine [...] the existence of an act of aggression on the part of Pakistan.” (S/PV.1239, 17 September 1965, pp. 21 f., para. 107)</p> <p><u>1.4. Contestation about facts</u></p> <p>### Who attacked first? Is Pakistan responsible for the acts of “freedom fights” in Indian territory? ###</p> <p>“Pakistan has infiltrated the troops, provided them with arms, ammunition, food and Indian currency, established a revolutionary council -incidentally, none of its leaders is named- supplied them with a radio station called the ‘Voice of Kashmir’, and provided these infiltrators with heavy artillery cover.” (S/PV.1237, 04 September 1965, p. 26, para. 113)</p> <p>“The basic question which this Council faces and which it must answer and resolve is: Who is the aggressor? [...] on the records of this Council it has been established beyond any doubt that in this particular conflict aggression was committed by Pakistan upon our territory.” (S/PV.1239, 17 September 1965, p. 7, paras. 35f.)</p> <p>“[...] all this leaves no doubt that the attack was premeditated, well planned and in utter violation of the Charter of the United Nations, the generally accepted principles of international law and the cease-fire agreement.” (Indian Representative speaking to the UNSC, S/PV.1237, 04 September 1965, p. 23, para. 100)</p>
Letter sent in accordance with Art. 51 UNCh	<p>2 no</p> <p>### Throughout 1965, India sent numerous letters to the UNSC regarding the Jammu and Kashmir dispute in general, as well as alleged cease-fire violations by Pakistan in particular. However, Indian letters during the period of time around the war (according to Sarkees/Wayman: 5 August – 23 September 1965) did not invoke Art 51 UNCh. See S/6672 (8 September 1965): ### “That aggression throws on us, as a sovereign State, responsibilities for defence which is our right and duty to discharge.”</p>					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	12 other (protection of own people)	"I am sorry to take the Council's time, but I wish to put the record straight. The representative of Pakistan has talked of colonialism: he accuses India of colonialism in Jammu and Kashmir. The people of Jammu and Kashmir are the people of India. They are our kith and kin; they are blood of our blood, and they are as much Indian citizens as anyone else in any part of India. That is not colonialism." (S/PV.1238, 06 September 1965, p. 18, para. 56)

	Code	Material
6. UNSC Reaction	3 unclear	<p>### Resolutions 209, 210, 211, 214, 215 - all disapprove of the use of force, but not of one side in particular ###</p> <p>Resolution 209, 4 September 1965: "The Security Council [...] Concerned at the deteriorating situation along the cease-fire line in Kashmir, 1. Calls upon the Governments of India and Pakistan to take forthwith all steps for an immediate cease-fire:"</p> <p>Resolution 210, 6 September 1965: "Calls upon the parties to cease hostilities in the entire area"</p> <p>Resolution 214, 27 September 1965: "Expressing its grave concern that the cease-fire agreed to unconditionally by the Governments of India and Pakistan is not holding"</p>
7. UNGA Reaction	4 no reaction	"The India-Pakistan question [...] was not brought before the twentieth session of the General Assembly." (UNYB 1965, p. 172)
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	Malaysia, Bolivia, Ivory Coast, Jordan, Malaysia, Netherlands, Uruguay: ### Malaysia, upon introducing a draft resolution sponsored by Bolivia, the Ivory Coast, Jordan, Malaysia, the Netherlands and Uruguay###:

		<p>"I am sure either side has at its elbow all the valid reasons to explain, and perhaps also to justify, how this came about and also why it could not be avoided and had to occur. For the immediate present, I venture to think, we should avoid getting entangled in these reasons, having regard to the urgency which faces the Security Council this afternoon." (S/PV.1237, 04 September 1965, p. 29, para. 132)</p> <p>US and UK: <i>### Suspended military and economic aid to both parties.</i> (Weisburd, Use of Force: The Practice of States since World War II, 1997)</p> <p>China (PRC): <i>### Accused India of aggression.</i> (Keesing's Contemporary Archives, 1965, 21118)</p> <p>Soviet Union: <i>### Did not publicly take sides, so that the UNSC could act without veto, yet the Soviets continued to support India.</i> (Weisburd, Use of Force: The Practice of States since World War II, 1997)</p> <p>Iran and Turkey: <i>### Issued a joint communiqué on 10 September which placed the blame on India and offered to deploy troops for a UN peacekeeping mission in Kashmir</i> (Ashwary, India-Iran Relations: Progress, Problems and Prospects, 2017, p.31; Keesing's Contemporary Archives, 1965, 21117)</p>
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770 Pakistan

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	

1 self-defence	1 Treaty	1 Yes	2 No	2 No	2 No	2 No	<p>“The invasion of Pakistan by India is an event to which there is no parallel in the history of the United Nations. It is not only a most brazen aggression on the territory of a Member State; it is a deliberate transgression of the very purposes and principles of the United Nations.” (S/PV.1238, 06 September 1965, p. 2, para. 7)</p> <p>“At this grave hour Pakistan appeals to all free and freedom-loving countries to give us their full support in the exercise of our inherent right of individual and collective self-defence, recognised in Article 51 of the Charter of the United Nations.” (S/Pv.1238, 06 September 1965, p. 9, para. 34)</p> <p>“My delegation cannot but deplore the fact that, in the face of this arrogant challenge to the Council, and deliberate violation of the letter and spirit of the Charter of the United Nations, the Council contented itself with describing the situation euphemistically as an “extension of the fighting” [...]” (S/PV.1240, 18 September 1965, p. 9, para. 35)</p> <p>1.4. Contestation about facts ### Who attacked first? Is Pakistan responsible for the acts of “freedom fights” in Indian territory? ###</p> <p>“He has raised the question of the so-called infiltrators in order to cloud the issue of the Indian aggression. The case put forward by the Indian representative is that members of the Pakistan Army crossed the cease-fire line and entered Indian-occupied Kashmir on 5 August 1965. I wish to contradict this allegation categorically [...]” (S/PV.1240, 18 September 1965, p. 6, para. 23)</p> <p>“I will be extremely brief and will say that I strongly and totally repudiate the allegations made by the representative of India. There is not a single statement made by him which is not based on deliberate fiction and cannot be controverted by facts. These facts-relating as much to India’s traditional contempt for the Security Council’s resolutions on Kashmir as to its contravention of the international agreement about the settlement of the Kashmir dispute, as to the more recent aggressive acts of India, the shelling of Awan Sharif, in West Pakistan itself; as to India’s being the first to cross the cease-fire line in May, and as to the India air force’s escalation of the Conflict-are overwhelming.” (S/PV.1237, 04 September 1965, p. 28, para. 127)</p>
Letter sent in accordance with Art. 51 UNCh	<p>1 yes</p> <p>“I have the honour to inform Your Excellency Pakistan will exercise her inherent right of individual and collective self-defence recognised in Article 51 of the Charter of the United Nations until the Security Council has taken effective measures to restore international peace and security by vacating Indian aggression against Pakistan and Jammu and Kashmir which India has forcibly and illegally occupied in violation of UN resolutions.” (Letter S/6669, 8 September 1965)</p>						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	1 enable self-determination	<p>“What Hitler and the Nazis did in Europe, India has taken upon itself to do in Asia.” (S/PV.1238, 06 September 1965, p. 2, para. 8)</p> <p>“If Pakistan has accepted this challenge, it was done so not only on its own behalf but also on behalf of every nation which has a stake in the principle of independence, equal sovereignty and self-determination of peoples.” (S/PV.1238, 06 September 1965, p. 2, para. 9)</p> <p>“Let me make it clear that there is no international frontier between any part of Jammu and Kashmir and Pakistan. Jammu and Kashmir is not a State or province of the Indian Union but a territory in dispute whose disposition is yet to be determined according to the law of the United Nations.” (S/PV.1238, 06 September 1965, p. 7, para. 29)</p>

	Code	Material
6. UNSC Reaction	3 unclear	<i>see India 6</i>
7. UNGA Reaction	4 no reaction	<i>see India 7</i>
8. ICJ Reaction	4 no reaction	<i>see India 8</i>
9. State Reaction	3 unclear	<i>see India 9</i>

25. Six Day War 1967

Key data

Duration: 05.06.1967 – 10.6.1967; Parties: Israel vs. Egypt, Jordan, Syria; Initiator: Israel.

666 Israel

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence [because of an armed attack <i>stricto sensu</i>]	1 Treaty	1 Yes	2 No	2 No	2 No	2 No	<p>### In relation to Egypt: “[...] it is evident that in the early hours of this morning Egyptian armoured columns moved in an offensive thrust against Israel’s borders, At the same time Egyptian planes took off from airfields in Sinai and struck out towards Israel. Egyptian artillery in the Gaza Strip shelled the Israel villages [...] The Egyptian forces met with the immediate response of the Israel Defence Forces, acting in self-defence. In accordance with Article 51 of the Charter, I bring this development to the immediate attention of the Security Council.” (S/PV.1347, 05 June 1967, p. 4, para. 30)</p>

						<p>“In accordance with its inherent right of self-defence as formulated in Article 51 of the United Nations Charter, Israel responded defensively in full strength.” (S/PV.1348, 06 June 1967, p. 15, para. 155)</p> <p>2) In relation to Syria: “It was Syria that started the war against Israel.” (S/PV.1353, 09 June 1967, p. 11, para. 129)</p> <p>3) In relation to Jordan: “Yesterday I invited General Bull, the Chief of Staff of the Truce Supervision Organization, to inform the heads of the Jordanian State that Israel had no desire to expand the conflict beyond the unfortunate dimensions that it had already assumed and that if Israel were not attacked on the Jordan side, it would not attack and would act only in self-defence. [...] Nevertheless, Jordan decided to join the Egyptian posture against Israel and opened artillery attacks across the whole long frontier, including Jerusalem.” (S/PV.1348, 06 June 1967, p. 13, para. 157)</p> <p>1.4. Contestation about facts ### Israel claimed that Egypt had attacked first while Egypt claimed that Israel had attacked first: „at 0310 hours, New York time, the representative of Israel had informed him that Egyptian land and air forces had moved against Israel, whose armed forces were engaged in repelling the attack. At 0330 hours, New York time, the representative of the United Arab Republic had informed him that Israel had launched a treacherous, premeditated aggression against the United Arab Republic, attacking at points in the Gaza Strip and Sinai, airports in Cairo and the Suez Canal area and several other airports inside the United Arab Republic. At the same meeting, the Secretary-General told the Security Council that the United Nations sources had no means of ascertaining how the hostilities had been initiated” (UNYB 1967, p. 175)</p>
Letter sent in accordance with Art. 51 UNCh	2 no					

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	

1 self-defence [because of the blockade of the Strait of Tiran]	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	<p>### Contestation on an abstract general level was assumed as Israel put forward a new claim and unestablished reading of the scope of self-defence (regarding the blockade of the Strait of Tiran which is in significant distance from its territory) ###</p> <p>“There have been acts committed against Israel through many long years, and the blockade was again introduced and imposed by Egypt in the Gulf of Aqaba on 22 May 1967. Clearly, this was an act of aggression as defined by the Soviet Union and the Syrian delegation themselves.” (S/PV.1353, 09 June 1967, p. 12, para. 129)</p> <p>“The blockade is by definition an act of war, imposed and enforced through armed violence. Never in history have blockade and peace existed side by side. From 24 May onward, the question who started the war or who fired the first shot became momentarily irrelevant. There is no difference in civil law between murdering a man by slow strangulation or killing him by a shot in the head. From the moment the blockade was imposed, active hostilities had commenced and Israel owed Egypt nothing of her Charter rights. If a foreign Power sought to close Odessa, or Copenhagen or Marseilles or Montreal or New York harbour by the use of force, what would happen? [...] Less than a decade ago the Soviet Union proposed a draft resolution in the General Assembly on the question of defining aggression, The draft read: ‘In an international conflict that State shall be declared the attacker which first commits one of the following acts: “(a) Naval blockade of the coasts or ports of another State.”’ [...]Interference, by armed force, with ships of Israel flag exercising free and innocent Passage in the Gulf of Aqaba and through the Straits of Tiran, will be regarded by Israel as an attack entitling it to exercise its inherent right of self-defence under Article 51 of the United Nations Charter and to take all such measures as are necessary to ensure the free and innocent Passage of its ships in the Gulf and in the Straits.” (A/PV.1526, 19 June 1967, p. 11, para. 133)</p> <p>1.4. Contestation about interpretation of the Law</p> <p>Israel: “The blockade is by definition an act of war, imposed and enforced through armed violence [...]” (A/PV.1526, p. 11, para. 133)</p> <p>Egypt: “It is significant that when the Foreign Minister of Israel came to the United Nations to justify Israel's aggression he did not refer to the law and Charter of the United Nations in claiming that Israel considered the blockade an act of war. His justification referred to the practice of States prior to the existence of the United Nations. In his statement before the Security Council on 6 June 1967, he mentioned: ‘Blockades have traditionally been regarded in ... pre-Charter parlance, as acts of war.’ Thus it becomes clear that Israel knows: a) that within the meaning of the Charter of the United</p>
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						<p>Nations a blockade, especially in the circumstances of the present case, is not ipso facto an act of war; b) that Israel was determined to pursue its aggressive designs without regard to the United Nations Charter. That is why the Foreign Minister of Israel referred to ‘pre-Charter parlance’, to justify actions that his country undertook in flagrant defiance of the Charter.” (A/PV.1530, 21 June 1967, p. 6, paras. 53f.)</p> <p>“the claim that the blockade of the Gulf of Aqaba itself constituted an act of war and justified the Israel aggression as an act of self-defence provided no excuse for the massive assault. The Strait of Tiran had never been opened to Israel until the aggression of 1956. No vital interests had suffered; not an Israel ship had passed through the Strait in the last two and a half years. The action of Israel was not legitimate self-defence within the meaning of Article 51 of the Charter because no armed attack on its territory had in fact occurred. On 5 June 1967, the United Arab Republic had not yet even completed its defensive precautions in Sinai, and a similar condition had prevailed in Syria and Jordan.” (UNYB 1967, p. 197)</p>
Letter sent in accordance with Art. 51 UNCh	2 no					

3.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### We discussed whether Israel invoked the concept of pre-emptive self-defence, but decided that the invocation was not sufficiently clear. Israel did not invoke self-defence (beyond the claims 1 and 2) explicitly in 1967. The later proclamation on the website (quoted below) is also not sufficiently clear: a) it was released around 50 years after the conflict; b) it only describes that Israel had invoked the right to self-defence and then prevented an attack by Egypt – such invocation had occurred (claims 1 and 2) and does not necessarily imply the invocation of the concept of pre-emptive self-defence. ###</p> <p><u>1.4. Contestation about application</u> “[...] between 14 May and 5 June, Arab Governments, led and directed by President Nasser, methodically prepared and mounted an aggressive assault designed to bring about Israel’s</p>

						<p>immediate and total destruction. My authority for that conviction rests on the statements and actions of Arab Governments themselves. There is every reason to believe what they say and to observe carefully what they do" (A/PV.1526, 19 June 1967, p. 7, para. 90)</p> <p>"On the following day, 26 May, Nasser spoke again: 'The Arab people wants to fight. We have been waiting for the right time when we will be completely ready. Recently we have felt that our strength has been sufficient and if we make battle with Israel, we shall be able, with the help of God, to conquer. Sharm-el-Sheikh implies a confrontation with Israel.'-These are Nasser's words,-'Taking this step makes it imperative that we be ready to undertake a total war with Israel.'" (A/PV.1526, 19 June 1967, p. 10, para. 121)</p> <p>"The clouds now gathered thick and fast. Between 14 May and 23 May, Egyptian concentrations in Sinai increased day by day. Israel took corresponding precautionary measures. In the absence of an agreement to the contrary, it is of course legal for any State to place its armies wherever it chooses in its territory. But it is equally true that nothing could be more uncongenial to the prospect of peace than to have large armies facing each other across a narrow space, with one of them clearly bent on an early assault. For the purpose of the concentration was not in doubt. On 18 May, at 24 hours, the Cairo Radio Saut El' Arab published the following Order of the Day by Abdul Muhsin Murtagi, the General then commanding Sinai: 'The Egyptian forces have taken up positions in accordance with a definite plan, our forces are definitely ready to carry the battle beyond the borders of Egypt'" (A/PV.1526, 19 June 1967, p. 10, para. 119)</p> <p>"On 22 May, in a move that constituted a casus belli [an act that justifies war], Egypt closed the Straits of Tiran to Israeli shipping, cutting off Israel's only route to Asia and Iran, its main supplier of oil. Other leaders across the Arab world added their voices to the choir threatening to destroy Israel and by 4 June, the military alliance of Egypt, Syria, Jordan and Iraq was complete. While sympathetic to Israel's plight, the international community did little to resolve the situation, and Israel was left to face the threat alone. As Yitzhak Rabin, then the IDF's chief of staff, stated at the time, "I believe we could find ourselves in a situation in which the existence of Israel is at great risk." Invoking its inherent right of self-defense, Israel preempted the inevitable attack, striking Egypt's air force while its planes were still on the ground." (Israel Ministry of Foreign Affairs, 1967: The Six-Day War and the historic reunification of Jerusalem, 2013, https://mfa.gov.il/Jubilee-years/Pages/1967-The-Six-Day-War-and-the-Historic-Reunification-of-Jerusalem.aspx (accessed on 07 June 2022))</p> <p>"although we were the ones to fire the first shot, the world saw us as trying to free ourselves of strangulation by our neighbours" (Israeli Prime Minister Ehud Barak (2005) quoted from John Quigley, The Six Day War—1967, in: Tom Ruys, Olivier Corten, "The Use of Force", 2018, p. p. 135)</p>
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							<p>1.2. Contestation about source of law <i>### Israel invoked the concept of pre-emptive self-defence in another context (UNGA, not UNSC) without expressly referring to Art 51 UN Charter again. ###</i></p> <p>1.3. Contestation about facts <i>### Was an Egyptian attack imminent? ###</i> "There is documentary proof in Israel's hands that Egypt had prepared the assault on Israel in all its military details." (S/PV.1351, 08 June 1967, p. 13, para 149)</p> <p>"The action of Israel was not legitimate self-defence within the meaning of Article 51 of the Charter because no armed attack on its territory had in fact occurred. On 5 June 1967, the United Arab Republic had not yet even completed its defensive precautions in Sinai, and a similar condition had prevailed in Syria and Jordan." (UNYB 1967, p 197)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	"This crisis has many consequences but only one cause. Israel's right to peace, to security, to sovereignty, to economic development, to maritime freedom -indeed, its very right to exist- has been forcibly denied and aggressively attacked. This is the true origin of the tension which torments the Middle East. All the other elements of the conflict are the consequences of this single cause." (A/PV.1526, 19 June 1967, p. 7, para. 87)

	Code	Material
6. UNSC Reaction	3 unclear	<p>### A USSR Draft Res was to vigorously condemn Israel's aggressive activities (S/7951/Rev.2) failed to gain support (S/PV.1360, pp. 18f. (4 in favour, none against, 11 abstentions)). However, it was no case of a veto! Therefore, qualified as "3 unclear" not as "4 unclear + veto" ###</p> <p>„Concerned at the outbreak of fighting and with the menacing situation in the Near East, 1. Calls upon the Governments concerned to take forthwith as a first step all measures for an immediate cease-fire and for a cessation of all military activities in the area" (S/Res/233 (1967))</p> <p>"Demands that the Governments concerned should as a first step cease fire and discontinue all military activities at 2000 hours GMT on 7 June 1967" (S/Res/234 (1967))</p> <p>"Emphasizing the inadmissibility of the acquisition of territory by war [...], Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter, 1. Affirms that [this should include] (i) Withdrawal of Israel armed forces from territory occupied in the recent conflict; (ii) termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force; 2. Affirms further the necessity (a) For guaranteeing freedom of navigation through international waterways in the area" (S/Res/242 (1967))</p>
7. UNGA Reaction	3 unclear	<p>### The UNGA held an emergency special session from 17 June to 5 July 1967. The meeting was requested by the USSR. ###</p> <p>"On 4 July, the Assembly adopted two resolutions (2252 and 2253 (ES-V)) dealing, respectively, with humanitarian assistance and with measures taken by Israel to change the status of the City of Jerusalem. On the same day, four of the other five draft resolutions, relating to underlying political aspects of the question, were voted upon and rejected, none having obtained the required majority of votes.[...] The special emergency session reconvened on 18 September and adopted a resolution (2257(ES-V)) expressing its utmost concern about the situation in the Middle East and deciding to place the question on the agenda of its twenty-second regular session as a matter of high priority" (UNYB 1967, p. 191)</p> <p>### The USSR introduced a draft Resolution (UNYB 1967, pp. 191-209; A/PV.1526, 19 June 1967, p. 6, para. 82) which was to vigorously condemn Israel's aggressive activities. This draft was not adopted, each paragraph being rejected in a paragraph-by-paragraph vote, cf. A/PV.1548, paras. 169 ff. Vote on the first operative paragraph which was to condemn Israel: rejected by 57 votes [~ Western, South American States] to 36 [~ Soviet States, Arab States], with 23 abstentions. ###</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>USSR, Bulgaria, Mali and India: Saw Israel as the aggressor (UNYB 1967, p.176 and S/PV.1353, p. 6)</p>

	<p>Communist States, Arab States and many NAM States: Backed Egypt and condemned Israel's attack, (cf. Weisburd, Use of Force, 1997, pp.135-139)</p> <p>USA: Supportive of Israel to a great extent. Its naval forces were prepared to counter any intervention by the USSR. US, Canada, Australia, New Zealand, Japan, most western European States, most Latin Americans States and Francophone Africa refrained from apportioning blame and insisted that the causes be analyzed. Agreed that conquered territory must be returned to the Arab States but that they should address some of Israel's demands in turn. (cf. Weisburd, Use of Force, 1997, p. 138).</p> <p>"The essential facts are clear. In the spring of this year the tension of many years became even greater: acts of violence became more frequent; threats and declarations became more ominous and bellicose. Then, on 17 May, President Nasser demanded the withdrawal of the United Nations Emergency Force and immediately moved large United Arab Republic forces into the Gaza Strip, the Sinai Peninsula and Sharm el Sheikh. Within a few days thereafter the United Arab Republic declared a blockade of the Gulf of Aqaba and the Strait of Tiran, which had been open to free and innocent passage by the ships of all nations under accepted principles of international law." (A/PV.1527, 20 June 1967, p. 3, para. 23)</p> <p>USSR: "Israel's leaders are repeating the tragic experience of fascist aggression not only in their methods of accusing the victims of aggression and in their attempts to blame them for the crime which has been committed, but also in their "blitzkrieg" tactics." – Ambassador Fedorenko, in S/Pv.1353, 9 June 1967, p 6 (§ 57); "In the course of today alone they [Israeli leaders] have committed crimes against peace and humanity, for which they deserve to be severely punished. The Soviet delegation believes that the Security Council can no longer overlook these acts by Israel, which is violating all principles and rules of international law, trampling upon the Charter of our Organization and deriding and sabotaging Security Council resolutions designed to restore and maintain peace." (A/PV.1527, 20 June 1967, p. 3, paras. 23, 58)</p> <p>Positions expressed during the UNGA's Emergency Special Session: "Denmark said the aggressor could not be identified clearly, so no blame should be apportioned; Norway said that condemnations would not help solve the underlying conflict; New Zealand agreed; as well as Ivory Coast, Canada. Other speakers shared the views of Jordan, Syria, the United Arab Republic and the USSR that Israel had launched an aggressive assault on its neighbours on 5 June. Among those of this opinion were representatives of Arab States and of Albania, Bulgaria, Burundi, the Byelorussian SSR, Czechoslovakia, Guinea, Hungary, India, Indonesia, Mali, Mongolia, Pakistan, Somalia, Spain, Sudan, the Ukrainian SSR, the United Republic of Tanzania, and Zambia. Pakistan stressed that the "casus belli" Argument advanced by Israel [she had declared that she would consider closing the Straits of Tiran an act of aggression] was invalid under the Charter." (UN Yearbook 1967, pp. 199 ff.)</p> <p><i>### While it seems to be established that Israel in fact had not been attacked on the morning of 5 June 1967 by Egypt, there remains some dispute</i></p>
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		<p>1) whether the blockade can be qualified as an act of aggression and thus justify self-defence, and</p> <p>2) whether the cumulative effect of a) aggressive and bellicose rhetoric by Egypt and other Arab nations prior to and during 1967, denying the right to existence of Israel, b) the withdrawal, as requested by Egypt, of UN troops from the Sinai border line and c) the significant concentration of Egyptian troops along that line gave Israel sufficient grounds to feel compelled to counter an imminent Egyptian attack. However problematic the question of pre-emptive self-defence and its requirements, there is scholarly dispute about this question, and the Six-day-war is invoked as a classical example for justified pre-emptive self-defence. Therefore, at least among scholars, the issue can be considered unresolved. No State however, except for Israel, referred to the Israeli attack as justified "(Does the Six Day War Support "Elongated" Imminence?", Opiniojuris, 29.01.2013, http://opiniojuris.org/2013/01/29/does-the-six-day-war-support-elongated-imminence/ (accessed on 31 August 2022))</p>
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651 Egypt (United Arab Republic)

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	1 Treaty	1 Yes	1 Yes	2 No	2 No	2 No	<p>### In contrast to Israel, we coded Egypt as relying on one justificatory claim only, because Egypt relied on the notion of self-defence against the Israeli attack at the Sinai during and after the war; in the „contestation about“-categories, however, reference to the different Israeli claims was necessary. ###</p> <p>"in repelling this aggression, i wish to inform you, upon instructions from my government, that it [egypt] has decided to defend itself by all means, in accordance with article 51 of the charter of the united nations." (permanent representative of the united arab republic, as quoted by the unsc president, S/PV.1347, 05 June 1967, p.2, para. 6)</p>

						<p>“at this moment while i am addressing the security council, and for several hours now, the israel armed forces and the israel air force have again committed a cowardly and treacherous aggression against my country [...] this treacherous aggression was accompanied by other acts of aggression in gaza and sinai, and heavily against khan yunis [city in the gaza strip] [...] reports indicate that the dimensions of the israel attack are so wide that no one can doubt the premeditated nature of this aggression, israelis are attacking, all of a sudden and simultaneously, the gaza strip, sinai, cairo airports, and sharm el sheikh, together with other places. and yet we have just been told that the israelis did not initiate any action and that they were in fact attacked by us.” (S/PV.1347, .p 4)</p> <p>“in view of this treacherous aggression, my country has no other choice than to defend itself by all means at its disposal, in accordance with article 51 of the charter of the united nations. we will most certainly continue to do so. this aggression should be vigorously condemned by the security council.” (S/PV.1347, 05 June 1967, p. 5, para. 53)</p> <p>1.3. Contestation about facts <i>#### Israel claimed they were attacked first, Egypt claims the opposite, see Israel 1.1; Israel also (later) claimed that Egypt was about to launch an attack, which Egypt rejects, see Israel 3.1</i></p> <p>1.4. Contestation about application <i>### whether the blockade would justify the Israeli armed attack, see Israel 2</i></p>
Letter sent in accordance with Art. 51 UNCh	1 yes Letter S/7926, 5 June 1967					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	“We cannot but recall history, which is in fact repeating itself today, The world has indeed not forgotten the black days of 1956 when Israel, in defiance of all norms of law and decency and in flagrant contravention of the United Nations Charter, planned and engineered the treacherous aggression of those evil days against my country. At that time also they said that they were the victims - in essence, the same story. But who is not aware of the facts, the real and staggering story?” (S/PV.1347, 05 June 1967, p. 4, para. 41)
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	Code	Material
6. UNSC Reaction	3 unclear	<i>see Israel 6</i>
7. UNGA Reaction	3 unclear	<i>see Israel 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Israel 9</i>

663 Jordan

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<i>### Even though Jordan was invaded by Israel it did not justify its defence actions against Israel's troops as self-defence, but rather only declared Israel to be an aggressor (see Jordan 4). ###</i>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
1 yes	4 no spec.	<p>### the invocation of the use of force was invoked ###</p> <p>“The Israel invaders continue to defy the United Nations authority. They continue to violate the two cease-fire decisions taken by this Council. They continue to attack Jordan ... It may be very appropriate at this stage to say that we are greatly astonished that until this minute the Council has not attempted to establish the fact, although the fact is very clear, that Israel committed an act of aggression.” (S/PV.1351, 08 June 1967, p. 12, paras. 134 f.)</p> <p>King Hussein (Jordan) announced that "his military pact with President Nasser (Egypt) had gone into effect upon Israel’s attack on the Sinai and that Jordan was at war with Israel” (Dana Adamis Schmidt, "Israeli Planes Raid Airports in Jordan", The New York Times, 06.06.1967, p. 16, https://timesmachine.nytimes.com/timesmachine/1967/06/06/90354172.html?pageNumber=16 (accessed on 7 June 2022))</p> <p>“[...] when Jordan was invaded, when almost half of the area of Jordan was conquered, when thousands were killed, I did not hear anything about this commitment other than a speech in the Council repeating the very same statement: we are committed to all members of the Middle East, to all nations in the Middle East. [...] We are the victims of a crime, a war crime.” (S/PV.1353, 09 June 1967, p. 11, paras. 123 ff.)</p> <p>1.3. Contestation about facts</p> <p>### Who attacked first: Jordan or Israel? ###</p> <p>“The Israel invaders continue to defy the United Nations authority. They continue to violate the two cease-fire decisions taken by this Council. They continue to attack Jordan ... It may be very appropriate at this stage to say that we are greatly astonished that until this minute the Council has not attempted to establish the fact, although the fact is very clear, that Israel committed an act of aggression.” (S/PV.1351, 08 June 1967, p. 12, paras. 134f.)</p> <p><i>see Israel 1 for Israeli quotes</i></p>
5. Legitimacy Claim	Code	Material
5.1	1 enable self-determination	<p>„To that attitude of Israel and that of its patrons and protectors we have one simple answer: our struggle is a struggle for liberty, a struggle for liberation. It is not different from any struggle in Asia or Africa. Indeed, the catastrophe that has befallen the Arabs of Palestine is not different from that which is now being experienced by the majority of Africans in Rhodesia. We know that the way to liberty is not an easy one. It has its ups and downs. It may face many set-backs. With the forces of Zionism and imperialism working against our aspirations, we do not expect the task of our movement to liberation to be an easy one. But one thing is certain. Eventually liberty Will triumph and the spirit of the Charter Will prevail because it is the spirit of right and the spirit of the day. It is stronger than the spirit of aggression.” (S/PV.1351, 08 June 1967, p. 12, para. 137)</p>

5.2.	6 defence against ideology	„To that attitude of Israel and that of its patrons and protectors we have one simple answer: our struggle is a struggle for liberty, a struggle for liberation . It is not different from any struggle in Asia or Africa. Indeed, the catastrophe that has befallen the Arabs of Palestine is not different from that which is now being experienced by the majority of Africans in Rhodesia. We know that the way to liberty is not an easy one. It has its ups and downs. It may face many set-backs. With the forces of Zionism and imperialism working against our aspirations, we do not expect the task of our movement to liberation to be an easy one. But one thing is certain. Eventually liberty Will triumph and the spirit of the Charter Will prevail because it is the spirit of right and the spirit of the day. It is stronger than the spirit of aggression.” (S/PV.1351, 08 June 1967, p. 12, para. 137)
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	Code	Material
6. UNSC Reaction	3 unclear	<i>see Israel 6</i>
7. UNGA Reaction	3 unclear	<i>see Israel 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Israel 9</i>

652 Syria (Syrian Arab Republic)

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2. Source of law	Contestation about					Material
		3 facts	4 interpretation	5. exceptional circumstances	6 abstr. gen. level	7 validity	
1 self-defence	1 Treaty	1 Yes	1 Yes	2 No	2 No	2 No	“We gave pledges that we had not initiated aggression in any form, and that we would keep to our position of self-defence , This attitude on our part stemmed from our deep faith in peace, our full awareness of our historic responsibility towards our people and the peoples of the world.” (A/PV.1527, 20 June 1967, p. 5, para. 57)

						<p>“But now the question arises, who attacked? In all honesty and fairness, I ask you, Mr. President, and all of the members of the Council, who attacked the United Arab Republic? In their own confession of guilt, they said: ‘We attacked because we knew of their intention to attack.’ There was no attack started by either the United Arab Republic or the Syrian Arab Republic. The situation in which we now find ourselves is in full harmony and in accordance with Article 51 of the Charter of the United Nations, which states: [...] Therefore, what has taken place between the United Arab Republic and the Syrian Arab Republic is in full conformity with the Charter, There is a Mutual Defence Pact between the two countries, and the Syrian Arab Republic was attacked, as I have said time and again, on 7 April. Israel threatened to attack Syria when the time was proper. At Syria’s call, the Mutual Defence Pact was completed; there was at no time any declaration of war started by Syria against Israel but there was the application of a Mutual Defence Pact in accordance with Article 51 of the Charter.” (S/PV.1353, 09 June 1967, p. 12, paras. 153ff.)</p> <p><u>1.3. Contestation about facts</u> ### Who attacked first? ### “We consider it the utmost duty of the Council to take immediate measures to condemn the aggressor, namely, Israel, and to apply the sanctions provided for by the Charter.” (S/PV.1348, 06 June 1967, p. 22, para. 228)</p> <p><i>see Israel 1 for Israeli quotes</i></p> <p><u>1.4. Contestation about interpretation</u> ### Referring to the blockade ### “The issue, I repeat, is an actual aggression committed by Israel air and ground forces against Syria, forces which have already penetrated Syria. Therefore, the second point that he used in his, so to speak, answer to me is completely irrelevant. Blockades waterways, free passage, innocent passage are not being discussed now; what is being discussed, at my request, in an emergency meeting of the Security Council is the attack was started early this morning by Israel against Syria is the issue, not the theoretical definition of aggression” (S/Pv.1353, 09 June 1967, p. 12, paras. 138f.)</p> <p><i>see Israel 1 for Israeli quotes</i></p>
Letter sent in accordance with Art. 51 UNCh	2 no					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	1 enable self-determination	<p>“In this connexion, it is significant that all of the major-scale Israeli aggressions have come about at the same time the Arab people and the colonial interests were in accentuated conflict. This explains the close relations between colonialism and Zionism, and the harmonization of their planning and purposes.” (A/PV.1527, 20 June 1967, p. 5, para 52)</p> <p>“Our struggle against imperialist forces has been imposed upon us. We have had to face this with all determination and faith, because we firmly believe in freedom and self-determination.” (A/Pv.1527, 20 June 1967, p 6 para 62)</p> <p>“Hitler, before and during the Second World War, conquered most of the European countries. [...] But the peoples of the world never submitted to the dictate of the usurpers and conquerors. Their will to fight and die for their freedom always prevailed. Today, we are facing a similar invasion by Zionist colonialists of parts of our homeland through a sneak and aggressive war inflicted upon us. All unlawful and forbidden methods have been used during this aggression. To say the least, I would mention, in particular, the napalm bombs which were used on a large scale against the civilian population.” (A/Pv.1527, 20 June 1967, pp. 8f. para. 77)</p> <p>“If we accepted that logic, it would mean that we admit the right of the stronger to conquer the lands of the weaker and retain them by force. That would be a devastating conclusion which cannot be accepted by anyone. In this respect, we wish to draw attention to the fact that this alarming international precedent, if accepted, would mean the destruction of the Charter of the United Nations and all the lofty principles contained therein. Not only that, but it would carry in its wake the destruction of the independence of every nation in the world, as their safety would be exposed to invasion at any time.” (A/Pv.1527, 20 June 1967, p. 7, paras. 75 f)</p> <p>“We are here to express our confidence in the international conscience that is represented in this General Assembly of the United Nations, Our Arab people, as well as all small, peace-loving countries throughout the world, look to this session as a last hope for</p>

		the triumph of law, reason and justice over the law of the jungle. conquest, and the logic of force.” (A/PV.1527, 20 June 1967, p. 5, para. 48)
5.2	6 defence against ideology	<p>“In this connexion, it is significant that all of the major-scale Israeli aggressions have come about at the same time the Arab people and the colonial interests were in accentuated conflict. This explains the close relations between colonialism and Zionism, and the harmonization of their planning and purposes.” (A/PV.1527, 20 June 1967, p. 5, para. 52)</p> <p>“Our struggle against imperialist forces has been imposed upon us. We have had to face this with all determination and faith, because we firmly believe in freedom and self-determination.” (A/PV.1527, 20 June 1967, p. 6, para. 62)</p>

	Code	Material
6. UNSC Reaction	3 unclear	<i>see Israel 6</i>
7. UNGA Reaction	3 unclear	<i>see Israel 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Israel 9</i>

26. Second Laotian War, Phase 2 1968-1973

Key data

Duration: 13.01.1968 – 17.04.1973; Parties: North Vietnam (DRV) v. United States of America, Laos; Initiator: North Vietnam (DRV).

2 United States of America

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	2 No	2 No	2 No	2 No	<p>“The Lao and Cambodian governments have tried to restore their independence and neutrality through diplomatic means; Failing that, they have been forced to turn to their friends for support of their defense. The [US] and other nations have responded their requests for assistance. We have supported both diplomatic efforts to bring peace to Laos and Cambodia, and defensive military efforts in the absence of a settlement ...” (US President Nixon, 9 February 1972) (Public Papers for the President of the United States: Nixon, 1972, p. 287, retrieved at https://www.govinfo.gov/app/details/PPP-1972-book1 (accessed on 02 August 2022))</p>

						<p>“in his statement to the nation on Laos on March 6 [President Nixon] acknowledged that [US] planes were engaged in bombing in Laos at the request of the Laotian authorities to interdict North Vietnamese supply routes to South Vietnam and to fly combat support missions” (US-President Nixon, 6 March 1970 as reported in “Soviet bids Nixon end Laos bombing as step to peace”, The New York Times, 16.03.1970, p. 1, https://timesmachine.nytimes.com/timesmachine/1970/03/16/129379992.html?pageNumber=1 (accessed on 27 June 2022))</p> <p>“military aid for regular and irregular Lao forces when requested by the Lao Government” (US President Nixon, 9 February 1972) (Public Papers for the President of the United States: Nixon, 1972, p. 289, retrieved at https://www.govinfo.gov/app/details/PPP-1972-book1 (accessed on 02 August 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 — not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	1 enable self-determination	“Our constant objectives in both countries have been to ensure the momentum of Vietnamization and our withdrawals, to protect American and allied lives, and to help maintain the precarious balance within these two countries as they fight to restore their independence and neutrality.” (US President Nixon, 9 February 1972) (Public Papers for the President of the United States: Nixon, 1972, p. 288, retrieved at https://www.govinfo.gov/app/details/PPP-1972-book1 (accessed on 02 August 2022))

	Code	Material
6. UNSC Reaction	5 no reaction	

7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Poland: „The United States intervention has pushed Laos into the tragedy of a civil war ... US policy towards Laos ... leads to a serious extension of the Indo-China war ... “Contrary to these obligations, the [US], in fact for a long time now, has been intervening in the internal affairs of Laos.” (S/10117, 15 February 1971, pp. 3-4)</p> <p>USSR: “By invading Laos, the US continues to expand its aggressive actions against this sovereign State. ... condemns the armed intervention against Laos as a new criminal act of the US, committed in gross violation of the accepted standards and principles of international law, and contrary to the obligations assumed by the US under the Charter of the UN” (S/10134, 01 March 1971, p. 2)</p> <p>USSR: “extension by the [US] Government of the aggressive action in Viet-Nam is seriously complicating the situation ... fraught with dangerous consequences for international peace and security” (S/10643, 11 May 1972, p.1)</p> <p>China: “China’s Foreign Ministry spoke of grave provocations ‘not only against the three peoples of Indo-China but against the Chinese people’ and referred to the ‘US imperialism’s aggression against Laos [as] a grave menace to China’ ” (Statements of 8 and 12 February 1971 by the Chinese Foreign Ministry quoted from Keesing’s Contemporary Archives, 1971, 24622)</p> <p>China: “It is the [US] that moved its forces into South Vietnam ... and that made massive invasions into Cambodia and Laos, thus merging the battlefields of Indochina into one.” (S/10644, 12 May 1972, p. 2)</p> <p>Mongolia: “condemn their [the US] acts of aggression. ... The aggressive adventures of the US military stand in flagrant violation of the UNCh, the principles of international law and the 1954 and 1962 Geneva Agreements, and are highly detrimental to a political settlement of the Indo-China problem.” [S/10164, 26 March 1971, p. 2]</p> <p>Czechoslovakia: “The escalation of aggressive actions of the USA against the people of Laos is an attempt at thwarting a peaceful settlement in Laos by way of negotiations between the two Laotian parties on the basis of the proposal of the Patriotic Front of Laos of March 1970. ... In contradiction with the commitment to respect the neutrality, independence and sovereignty of Laos which the</p>

	<p>American Government took upon itself by signing the Geneva agreements of 1962 and in contradiction with the basic norms of international law the US is grossly violating neutrality and independence of Laos” (S/10150, 08 March 1971)</p> <p>Bulgaria: “ Letter ... concerning the US-South Vietnamese invasion of Laos and the worsening of the situation” <i>### referring to the US acting in aggression and in flagrant violation of the basic norms of international law / the UNCh ###</i> (S/10120, 16 February 1971)</p> <p>Cambodia: <i>### Complained on US-South Vietnamese armed forces to fire across the frontiers at Cambodian guard posts etc.</i> (UNYB 1968, pp. 185 ff.)</p> <p>USSR and DRV: <i>### Jointly condemned US actions as “aggressions”</i> (A/8702, Report of the Security Council, p. 118)</p>
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812 Laos

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 — not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
1 yes	1 Treaty	<p>„this procedure seems to us to be the only way of persuading the world to acknowledge the aggression being directed against our country for over 20 years. ... It has only one aim: to take over by force all the countries of Indo-China in order to exercise political and military control over them. Laos is requesting that justice be done to it in accordance with the spirit of the Charter of the United Nations.” (S/10719, 23 June 1972, p. 2)</p> <p>“The Royal Government protests most strongly against the latest violations of Laotian territory by the North Viet-Nameese army and against this escalation of the war in Laos.” (S/10499, 10 January 1972, p. 3)</p> <p>“there is no question but that the Hanoi Government has for years been committing grave violations of international law by its attacks on the Kingdom of Laos” (S/10499, 10 January 1972, p. 2)</p> <p>“this serious situation is the result of numerous acts of aggression perpetrated during recent months by North Viet-Nameese troops against the Kingdom of Laos in flagrant violation of the 1962 Geneva Agreements and the fundamental principles proclaimed in the UNCh” (S/10719, 23 June 1972, p. 1)</p> <p><i>### the “inhuman aggression” by North Vietnam in support of the pro-Communist Pathet Lao rebels challenged the 1962 Geneva Agreement, meaning the Prince’s first indication that the accords may fail ###:</i></p> <p>“the military situation in Laos has been worsened in 1967 ‘by the actions of the Laotian rebels and the intervention of North Vietnam. This inhuman aggression by the warmongers of North Vietnam’ [as part of] ‘a general offensive against [Laos]’” (Prince Souvanna Phouma, Premier of Laos in “Laotian Premier Voices Concern”, The New York Times, 01.01.1968, p. 2, https://timesmachine.nytimes.com/timesmachine/1968/01/01/76864817.html?pageNumber=2 (accessed on 27 June 2022))</p> <p><i>## complaints by Laos made to the UN in 1972 on the presence of regular forces of the DRV on its territory; charges made, that these forces attacked and overrun several Government positions</i> (UNYB 1972, p. 154)</p> <p>“in view of the extreme gravity of the situation caused by the overt aggression against his country, in flagrant violation of the Geneva Agreements of 20 July 1954 and the principles of the United Nations Charter, his Government was addressing an urgent appeal to all peace-loving Members of the United Nations in the hope that, in a spirit of peace and international co-operation, they would exert the necessary pressure on the Hanoi Government to put an end to its expansionist, barbaric and unjustifiable war against the Khmer Republic” (UNYB 1972, p. 155; S/10548, 25 February 1972; S/10719, 23 June 1972)</p>
	Code	Material

5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p><i>see also US 1.1 and 5</i></p> <p>Indonesia, Japan, Malaysia: Jointly appealed to the Indian Government (Chairman of the ICC at that time) to support the Laotian Government’s stand and urgent action by the Commission “calling for reaffirmation of Laotian neutrality, a joint appeal for respect for the 1954 and 1962 Geneva Agreements, an appeal for an immediate end to hostilities, and an offer of good offices to the various sides in Laos to enable them to continue their dialogue towards a peaceful settlement” (Keesing’s Contemporary Archives, 1971, 24622)</p> <p>Canada: ### requested an urgent meeting of the ICC [International Control Commission, established in 1954 and appointed to supervise the implementation of the 1962 Geneva Accords / peace in the region] for Laos to initiate investigations of the violation of its neutrality which earlier it had failed to do; however, the commission did not render a decision (Keesing’s Contemporary Archives, 1971, 24622)</p>

816 Vietnam - North Vietnam (DRV)

	Code
Law invoked?	2 No

	Contestation about	Material
0 0 0 0 0		

1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	United States: “the North Vietnamese continued, and have now stepped up, their aggression in Laos and Cambodia ... both these countries have totally defensive military equipment; neither poses any conceivable threat to North Vietnam; the neutrality, independence, and

		<p>territorial integrity of both countries have been inscribed in international agreements; North Vietnamese troops for years have used both countries as infiltration corridors, staging bases, and sanctuaries for attacks against South Vietnam; North Vietnam continues to threaten the legitimate governments in both countries ... perhaps with the intention of taking Laos and Cambodia themselves." (US President Nixon, 9 February 1972) (Public Papers for the President of the United States: Nixon, 1972, p. 287, retrieved at https://www.govinfo.gov/app/details/PPP-1972-book1 (accessed on 02 August 2022))</p>
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27. War of Attrition 1969-1970

Key data

Duration: 06.03.1969 – 07.08.1970; Parties: Egypt vs. Israel; Initiator: Egypt.

651 Egypt

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2. Source of law	Contestation about					Material
		3. facts	4. interpretation	5. exceptional circumstances	6. abstr. gen. level	7. validity	
1 self-defence	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	<p>“I have the honour to bring to your urgent attention the latest series of Israeli flagrant violations of the cease-fire and premeditated attacks against the civilian population, houses, economic installations and our armed forces in the Suez Canal sector. [...] This wanton aggression” (S/9060, Letter of 9 March 1969)</p> <p>“the Israeli occupying forces suddenly opened fire and the cities of [...], using</p>

						<p>artillery, mortars and tanks. In self defense, our forces had to return the fire." (S/9061, Letter of 9 March 1969)</p> <p>"It is significant that Israeli forces, twice during the engagements, refused to abide with the cease-fire requests proposed by the Military Observers in the area" (S/9072, Letter of 11 March 1969)</p> <p>"the repeated Israeli attacks against the United Arab Republic and its continued occupation of Arab territories constitute clear violations of the United Nations resolutions and the Charter of the United Nations [...] It must seem grotesque that Israel, which still occupies Arab countries as a result of its aggression in June 1967, in defiance of all norms of international law and the principles of the Charter, deems it appropriate to lodge complaints and protests to the United Nations against the victims of its perfidious aggression. [...] aggression contradictory to the Security Council resolution and besides, it is condemned by the United Nations Charter" (S/9080, Letter of 13 March 1969)</p>
Letter sent in accordance with Art. 51 UNCh	1 yes S/9061, 9 March 1969					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	8 – recovery of occupied territory	"We have to fight and we shall fight for the recovery of our lands " ("Nasser declares 'liberation stage' in war has begun", The New York Times, 24.07.1969, https://timesmachine.nytimes.com/timesmachine/1969/07/24/89012595.html?pageNumber=1 (accessed on 27 June 2022))

		“The first priority, the absolute priority in this battle is the military front, for we must realise that the enemy will not withdraw unless we force him to withdraw through fighting . Indeed there can be no hope of any political solution unless the enemy realizes that we are capable of forcing him to withdraw through fighting” (President Nasser in an newspaper interview in January 1968) (Bar-Siman-Tov, The Israeli-Egyptian War of Attrition, A Case-Study of Limited Local War, 1980)
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	Code	Material
6. UNSC Reaction	5 no reaction	<i>### S/Res/242 had charged the UNSG to send a Special Representative to the area (Gunnar Jarring). The so-called Jarring Mission failed to negotiate an agreement between Israel and Egypt. Both Israel and Egypt, throughout 1969 and 1970 (UNYB 1969, pp 193-199; 1970, pp 224- 227), constantly filed complaints to the UNSC in response to a multitude of events, attacks and counter-attacks around the Suez Canal Area. According to the UNYB, the UNSG circulated these complaints to member States, some of them responding to some of the events, but no UNSC session was called regarding the Suez canal area events. ###</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p><i>### Arab States, communist States, France and some NAM States identified Israel as the responsible aggressor. France stopped arms supplies to Israel. Western and Latin American States agreed that Israel was partially responsible but stressed that the underlying issues remained unresolved</i></p> <p><i>### Saudi Arabia and the USSR generally saw Israel as the – continued – aggressor and justified any actions taken by Arab governments. The USSR directly intervened and supported Egypt militarily (Bar-Siman-Tov, The Israeli-Egyptian War of Attrition, A Case-Study of Limited Local War, 1980, pp. 145 ff.). The Arab States concerned held meetings such as the “confrontation talks” to coordinate their politics###</i></p> <p><i>### The US supplied arms to Israel (Bar-Siman-Tov, The Israeli-Egyptian War of Attrition, A Case-Study of Limited Local War, 1980, pp. 156f., 165f.); proposed a cease-fire that was accepted in 1970. They verbally agreed to several UNSC resolutions condemning Israel but always stressed that the roots of the conflict were to be addressed. Diplomatic efforts, especially by Secretary of State Rogers eventually led to the 1970 cease-fire agreement; after a common approach of the Big Four (France, UK, USA, USSR) had failed (Weisburd, Use of Force: The Practice of States Since World War II, 1997, pp. 139-141; Whetten, The Canal War: Four-Power Conflict in the Middle East, 1974, p. 89 ff.)</i></p>

666 Israel

	Code
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Law invoked?	1 Yes
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1. Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	<p>“a grave armed attack against Israel was launched today by the Egyptian military forces in the Suez Canal sector [...] Israeli forces are returning fire in self-defence [...] for several weeks Egyptian acts of aggression increased considerably [...] Today’s attack [...] constitutes a cease-fire breach of the utmost gravity” (S/9057, Letter of 8 March 1969)</p> <p>### self-defence was also invoked e.g. in Letter S/9106 (24 March 1969), S/9349 (23 July 1969) ###</p> <p>“Faced with continuous attempts made by the United Arab Republic armed forces to implement this policy of war through incessant acts of aggression, Israel has no choice but to resort to measures of self-defence.”</p> <p>“At 1605 hours the UNMOs proposed a cease-fire to take effect at 1700 hours. This was accepted by Israel at 1610 hours. The United Arab Republic forces, however, intensified their fire and extended it northwards [...]” (S/9071, Letter of 11 March 1969)</p> <p>“today, 13 March 1969, the United Arab Republic forces in the Suez Canal sector have again launched, in flagrant violation of the cease-fire, a large-scale attack against Israel. [...] Fire was returned in self-defence and the exchange continued till 1545 hours.” (S/9078, Letter of 13 March 1969)</p>
Letter sent in accordance with Art. 51 UNCh	1 yes S/9057, Letter to UNSC of 8 March 1969						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	<i>see Egypt 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Egypt 9</i>

28. Football War 1969

Key Data

Duration: 14.07.1969 – 18.07.1969; Parties: El Salvador vs. Honduras; Initiator: El Salvador.

92 El Salvador

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	1 Treaty	1 Yes	2 No	2 No	2 No	2 No	<p>“an armed Honduran [...] aircraft violated El Salvador’s air space [...] directed machine-gun fire at Salvadorian guard posts from open windows at low altitude [...] this flagrant aggression [...] El Salvador repelled the Honduran aggression by making use of the inherent right of self-defence which it, as a State, possesses, as recognized under Art. 51 UNCh and 7 of the Inter-American Treaty of Mutual Assistance” (S/9314, 3 July 1969, p. 1)</p> <p>“The military acts carried out by the Salvadorian army in invading and occupying Honduran territory are not illegal, but acts deriving from the inherent right of self-defence against the various acts of aggression committed by the Government of Honduras [...]”, (S/9377, 6 August 1969, p. 1)</p>

							“[...] was obliged, in view of the repeated aggressions by Honduras , to take measures of legitimate self-defence in accordance with the Charter of the United Nations, the Charter of the Organization of American States and the Inter-American Treaty of Reciprocal Defence [...] measures designed to secure the defensive position of El Salvador and protect its vital interests [...] [p.3] El Salvador is exercising its inalienable right of legitimate self-defence as one of the vital rights which – in accordance with article 8 of the Charter of the [OAS] – does not admit any restriction. The fundamental right <i>par excellence</i> is the right to exist and to continue to exist; and, in the face of aggression, this right becomes the right to legitimate self-defence [...]”, (S/9330, 15 July 1969, p.1)
Letter sent in accordance with Art. 51 UNCh	1 yes S/9314, 3 July 1969						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	5 humanitarian	“The Government of El Salvador has asked the Inter-American Commission on Human Rights to intervene in order that it may verify in situ the murders, persecutions, rapes, injuries, detentions, mass expulsions of individuals who are obliged to go into involuntary exile, destruction of property and other acts which taken as a whole are characteristic of the crime of genocide, for which we hold the Government of Honduras responsible, since its agents have participated in them actively or by negligence by permitting sacred human rights to be violated by unruly mobs, actuated by a systematic campaign which has been under way for many years and is designed to awaken in the hearts of the Honduran people hatred and aversion for El Salvador, its Government and the Salvadorian minority residing in Honduras. This campaign is the true cause of the conflict.” (S/9315, 4 July 1969, p. 1)

	Code	Material
6. UNSC Reaction	5 no reaction	

7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Nicaragua: <i>### even though believed to help Honduras with military arms and fuel [the origins not being clear, but government-to-government aid programs being discussed] Nicaragua expressly denies that its "Government was supplying any military equipment to Honduras in the current conflict" at the UN###</i> ("El Salvador demands war-crimes trials for foe", The New York Times, 23.07.1969, https://timesmachine.nytimes.com/timesmachine/1969/07/23/78387118.html?pageNumber=14 (accessed on 18 August 2022))</p> <p>Nicaragua: <i>"diplomatic informants are saying that Nicaragua is quietly supplying Honduras with arms and fuel out of fear that a bankrupt government would pave the way for a left-wing take-over", ("El Salvador Threatens to Keep Troops in Honduras", The New York Times, 22.07.1969, https://timesmachine.nytimes.com/timesmachine/1969/07/22/90115781.html?pageNumber=3 (accessed on 18 August 2022))</i></p> <p>United States: <i>### support for the efforts of the [OAS] to bring about a ceasefire between Honduras and El Salvador</i> ("Fighting Abating in Latin Conflict", The New York Times, 16.07.1969, https://timesmachine.nytimes.com/timesmachine/1969/07/17/81554337.html?pageNumber=1 (accessed on 18 August 2022))</p> <p>OAS: <i>"On 4 July, the Council of OAS adopted a resolution [Council Resolution of 4 July 1969] recommending that the Governments of El Salvador and Honduras take appropriate measures to avoid any act that might aggravate the situation and expressing the wish that, acting as mediators, the Ministers for Foreign Affairs of Costa Rica, Guatemala and Nicaragua would find a solution satisfactory to the parties (UNYB 1969, p. 183; S/9317, 7 July 1969, p. 2)</i></p> <p>OAS: <i>"The Council [on 14 July 1969] called upon El Salvador and Honduras to suspend hostilities, to restore matters to the status quo ante bellum and to take the necessary measures to solve the conflict by peaceful means" (UNYB 1969, p. 183, S/9334, 16 July 1969)</i></p> <p>OAS: <i>### Council on 31 July 1969 again calls upon the States (S/9370, 31 July 1969; S/9490, 28 October 1969)</i></p>

91 Honduras

	Code
Law invoked?	1 Yes

1. Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	"As a justifiable reprisal and as an act of legitimate self-defence the Honduran armed forces ordered and attack on [El Salvador]", (S/9329, 15 July 1969, pp. 2-3)
Letter sent in accordance with Art. 51 UNCh	1 yes S/9329, 15 July 1969						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	“El Salvador had, on 14 July, carried out air raids on the airport of Tegucigalpa and on various towns. Furthermore, infantry units had attacked Honduran frontier posts. As an act of legitimate self-defence , Honduran armed forces had counter-attacked Salvadorian military installations and harbor facilities” (UNYB 1969, p. 183)
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see El Salvador 9</i>

29. War of the Communist Coalition 1970-1971

Key data

Duration: 23.03.1970 – 02.07.1971; Parties: North Vietnam vs. Cambodia, South Vietnam, United States; Initiator: North Vietnam.

816 Vietnam [North Vietnam – DRV]

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	1 enable self-determination	<p>“The people of North Vietnam have triumphed in the devastating war unleashed by the United States imperialists and have achieved great successes in socialist construction. Constantly increasing their vigilance, the people of North Viet-Nam are filled with determination to defeat any adventurist military operations by the United States imperialists and, at the same time, to strengthen in every way their military and economic potential, carry out the duty of the sturdy home front towards the great military front in South Viet-Nam, and fully support the struggle of the Laotian and Cambodian peoples.” (S/10406, 2 December 1971, p. 5)</p>

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	3 unclear	<p>### on the situation in Indo China: merely sounding to be in favor of Cambodia and other States in Indo China to be “free” ###</p> <p>“even now, despite some positive elements, it is still difficult to forecast when and how this tragic war will end; indeed, its consequences for the peoples of Indo-China and for the countries involved are unforeseeable” (A/8401/Add 1, Report of the UN SC, pp. 4-5, paras. 30 ff.)</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>### Since the Vietnam War was the much more present conflict and geographically related, States barely commented on this particular conflict.</p> <p>In case they did, third States expressed concern without taking any action, understanding the events as inseparable from the wider 2nd Indochina War.</p> <p>In general, reactions seemed to express fears (particularly about an expansion of the conflict), wherefore States seem to rather condemn the US than the DRV (this showing their favoring of the DRV?):</p>

	<p>"Developments in Cambodia ... have dangerous and unpredictable consequences for peace and stability in South-East-Asia ... have aggravated the situation and widened the threat of conflict to encompass Cambodia (S/9843, Letter of 19 June 1970, by Indonesia/Japan/Malaysia, p. 2)</p> <p>"Objective of Djakarta Conference ... to seek peaceful means to enable the Cambodian people to maintain their national sovereignty, neutrality and territorial integrity" (S/9843, Letter of 19 June 1970, by Indonesia/Japan/Malaysia, p. 2)</p> <p>"All the participating countries showed throughout the Conference their sincere commitment to finding concrete and realistic ways and means for a peaceful solution of the Cambodian problem, and scrupulously avoided taking sides or making the Conference a forum for partisan confrontation and condemnation" (S/9843, Letter of 19 June 1970, by Indonesia/Japan/Malaysia, p. 2)</p> <p>"They were unanimous in their view that the future of Cambodia should be determined by the Cambodian people themselves without any external interference and in conformity with the declared policy of Cambodia of strict neutrality and non-alignment as stipulated by that Government" (S/9843, Letter of 19 June 1970, by Indonesia/Japan/Malaysia, p. 7)</p>
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811 Cambodia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	1 Source	Material
1 yes	1 Treaty	<p>### Following March 1970, the Khmer Government claims Vietcong and North Vietnamese forces to have entered its territory in acts of open aggression, in violation of the 1954 Geneva Accords [on Vietnam: meaning the withdrawal of all (French) troops] and the undertaking to recognize and respect the integrity of Cambodia, S/9730, p. 1; S/9729 Add. ###</p> <p>“Cambodia wishes to warn international opinion once again of the gravity of this new murderous aggression by Vietcong and North Vietnamese troops against a Khmer post inside the territory of Cambodia, a neutral independent country and a Member of the UN”, (S/9734, Letter of 3 April 1970, p. 2)</p> <p>“These open and increasingly frequent attacks by Vietcong and North Vietnamese forces against Cambodian defence forces and posts within Cambodian territory are in grave defiance of the UNCh, international law and the 1954 Geneva Accords, and jeopardize the peace and security not only of Cambodia but also of South-East-Asia”, (S/9741, Letter of 6 April 1970, p. 2-3)</p> <p>“Cambodia wishes to draw the attention to the increasing frequency and scope of these open attacks committed by the Vietcong and North Vietnamese forces against the Khmer defence forces and defence posts within Cambodian territory, in flagrant violation of international law, the 1954 Geneva Agreement and the solemn commitment of their respective Governments to recognize and accept (?) the territorial integrity of Cambodia within its existing frontiers”, (S/9754, Letter of 15 April 1970, p. 2)</p> <p>“Cambodia has filed an energetic protest against the repeated violations of Cambodian territory and the deliberate shooting by the US-South Vietnam forces against the innocent and peaceful inhabitants of Cambodia”, (S/9266, Letter of 28 January 1969, p. 2)</p>

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	

7. UNGA Reaction	3 unclear	"Cambodia, as well as the other countries of Indo-China, should be free from foreign intervention and should be allowed to live in peace" (A/8401/Add. 1, Report of UN SG, p. 5, para. 39)
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	Indonesia, Japan, Malaysia: ### expressing fears of the conflict to widen, while not particularly condemning the US (or any States' doing) appealing to all States withdrawing their forces and accepting the Cambodian neutrality, sovereignty (cf. (S/9843, Letter of 19 June 1970, by Indonesia/Japan/Malaysia)

817 South Vietnam [ROV]

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>###Self-defence was invoked in view of acts along the border of ROV and Laos, but not in regard to actions on Cambodian territory. Therefore this was not coded as a self-defence claim in the conflict with Cambodia ###</p> <p>"The attacks of our armed forces against the North Vietnamese troops along the border on the Laotian territory constitute an act of belligerence of the ROV, but are solely a necessary act of legitimate self-defence of the ROV against the Communist North Vietnamese aggressors" (S/10104, 8 February 1971, p. 4)</p>

							<p>"The Republic of Viet-Nam always respects the independence, neutrality and sovereignty of the Royal Kingdom of Laos [...].</p> <p>Since many years the Communist North Viet-Namese themselves had openly violated the neutrality and the territory of the Royal Kingdom of Laos, and blatantly violated the 1962 Geneva Agreement on Laos just as they had blatantly violated the 1954 Geneva Agreement on Indochina in order to wage the aggression against the Republic of Viet-Nam. [...]</p> <p>If this situation prevails, the Communist North Vietnamese will stubbornly continue their war of aggression throughout Vietnam, Laos and the Khmer Republic. [...]</p> <p>This is not an act of aggression of the Republic of Vietnam against the friendly nation of Laos; on the contrary, this constitutes an act designed to stop the Communist North Vietnamese from expanding and maintaining their aggression potential." (S/10104, 8 February 1971, pp. 2-3)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	

7. UNGA Reaction	3 unclear	“Cambodia, as well as the other countries of Indo-China, should be free from foreign intervention and should be allowed to live in peace” (A/8401/Add. 1, Report of UN SG, p. 5, para. 39)
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Vietnam 9</i>

2 United States

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material

0	0	
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	Code	Material
5. Legitimacy Claim	12 other (defence against attacks not attributable to the territorial state)	<p>“The United States Government wishes by this communication, to inform the members that it has, where appropriate, responded to the Royal Cambodian Government through diplomatic channels. Full investigations of alleged incidents have been undertaken and the pertinent facts conveyed to the Cambodian Government. In those cases in which it has appeared that an intrusion into Cambodian territory by United States forces has in fact occurred, the United States Government has taken the appropriate steps of apology and redress.</p> <p>The United States Government has made clear to the Royal Cambodian Government that United States forces have no hostile intentions toward Cambodia or Cambodian territory. The root cause of those incidents which have involved Cambodian territory is the presence of Viet Cong and North Viet-Nameese forces in the frontier region and their use of Cambodian territory in violation of the neutrality of Cambodia.</p> <p>The Government of the United States fully shares the concern of the Royal Cambodian Government over violation of its neutrality and territorial integrity from whatever source. For its part, the United States Government has taken and intends to continue taking all steps available to it to prevent the spread of hostilities in Viet-Nam into Cambodia.” (S/9324, Letter of 11 July 1969, p. 1)</p>

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	3 unclear	“This conflict... diverts the energies and the technical and financial capacity of some of the most powerful nations in the world towards the barren task of advancing or consolidating so-called zones of influence” (A/8401/Add 1, Report of the UN SC, paras. 30 ff., pp. 4-5)
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>approving:</p> <p>New Zealand, Australia, Thailand, the Republic of Korea, the Republic of China, Laos, Indonesia (even though expressing regret) (cf. S/9843, Letter of 19 June 1970)</p> <p>disapproving:</p>

	<p>North Vietnam (DRV), France, India, Sweden: <i>### fearing the war to widen and to escalate</i></p> <p>USSR: “the serious aggravation of the situation ... caused by the aggressive acts of the US against Cambodia; having extended the fighting to another State of Indochina, the President of the US levelled threats in his statement against all States which might decide to support the victims of US aggression. ... the US has been carrying out massive air raids ... grossly violated the obligation it assumed in accordance with the understanding which formed the basis for the quadrilateral negotiations in Paris. ... Washington presumptuously believes that it is enough for the US to use force wherever it happens to think that this is desirable for itself, in order to remove Government which it does not like and to impose its own dictates.; Washington is attempting to explain the decision to undertake a military invasion of Cambodia by alleging that it is essential in order to save the lifes of US soldiers in South Vietnam.” (S/9804, Letter of 8 May 1970, p. 2)</p> <p>“The Soviet Government believes that the expansion of US aggression in Indochina makes it even more urgent to achieve unity and greater solidarity among all socialist and all anti-imperialist and peace-loving forces in the struggle against aggression” (S/9804, Letter of 8 May 1970, p. 5)</p> <p>Indonesia, Japan, Malaysia: <i>expressing fears of the conflict to widen, while not particularly condemning the US (or any States’ doing) appealing to all States withdrawing their forces and accepting the Cambodian neutrality, sovereignty (cf. S/9843, Letter of 19 June 1970)</i></p> <p>no reaction, but “reaction”:</p> <p>United Kingdom, Italy and the FRG <i>### refusing to comment###</i></p> <p>with the meaning of “neutral”:</p> <p>Canada: <i>### expressing regret, but refusing to condemn the US action###</i></p>
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30. War for Bangladesh 1971

Key data

Duration: 3.12.1971 – 17.12.1971; Parties: Indi vs. Pakistan; Initiator: Pakistan.

750 India

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	<p>“India is a victim of yet another unprovoked Pakistani aggression and is engaged in defending its national sovereignty and territorial integrity in the exercise of its legitimate right of self-defence.” (S/10445, 12 December 1971)</p> <p>“The Ambassador of Pakistan gives details showing that we went into Pakistan territory after 21 November. We did; I do not deny it. We did this because we had no option. The Pakistan Army put its cannons on the frontier and started shelling our civilian villages. [...] But after having killed their</p>

						<p>own people they now turn their guns on us. Eight hundred and ninety complaints of border violations have been made to Pakistan since 25 March.” (S/PV.1606, p. 15, paras. 160 ff.)</p> <p>“We reserve our right to take, and to continue taking, all appropriate and necessary measures to safeguard our security and defence against aggression from Pakistan” (S/PV.1606, pp. 32f.)</p> <p>“the military Government of Pakistan had also come to realize that it could not hold 75 million persons by force and that, therefore, the only possibility open to it was to involve India in a military conflict so that the world's attention would be diverted from what was happening in East Pakistan [...] Preparations were made, threats were issued and a "Crush India" campaign was launched. [...] Pakistan then started shelling our villages, and we retaliated. Then the Pakistan air force attacked our cities and military airfields in an Israeli-type attack by air. By sheer luck we had been forewarned about that attack and were able to disperse our aircraft.” (A/PV.2003, paras. 167 ff.)</p>
Letter sent in accordance with Art. 51 UNCh	1 yes S/10445, 12 December 1971					

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence (against refugee aggression)	4 no spec.	2 No	1 Yes	2 No	1 Yes	2 No	<p>###India claimed to act against four types of aggression, one of which being “refugee aggression”. This invokes a new reading of aggression as a trigger for the right to self-defence and was therefore coded as a separate justificatory claim.##</p> <p>“This is the situation in which Pakistan finds itself, how to extricate itself? The only way to extricate itself is to involve India, and this has been done, as I said, first through refugee aggression, and now through military aggression. We have suffered at the hands of Pakistan four aggressions, and we are not going to take it anymore.” (S/PV.1606, p. 17, para. 175)</p> <p>“We reserve our right to take, and to continue taking, all appropriate and necessary measures to safeguard our security and defence against aggression from Pakistan” (S/PV.1606, pp. 32f.)</p>

							<p>“As a result, 10 million people came to India as refugees. Now, was that not a kind of aggression? If aggression on another foreign country means that it strains its social structure, that it ruins its finances, that it has to give up its territory for sheltering the refugees, if it means that all its schools have to be closed, that its hospitals have to be closed, that its administration is to be denuded, what is the difference between that kind of aggression and the other type, the more classical type, when someone declares war, or something of that sort?” (S/PV.1606, p. 15, paras. 160 ff.)</p>
Letter sent in accordance with Art. 51 UNCh	1 yes S/10445, 12 December 1971						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	5 humanitarian	<p>“Under the resolutions of the United Nations General Assembly there are certain criteria laid down concerning how and when an area can be regarded as non-self-governing. If we applied those criteria to East Bengal, and if we had a little more morality, we could declare East Pakistan a non-self-governing territory. [...] We are glad that we have on this particular occasion absolutely nothing but the purest of motives and the purest of intentions: to rescue the people of East Bengal from what they are suffering. If that is a crime, the Security Council can judge for itself.” (S/PV.1606, p. 18, para. 185)</p> <p>“The magnitude of the loss of life and property in such armed action is self-evident. We are concerned that in these circumstances the international community can and should take suitable action. The scale of human sufferings is such that it ceases to be a matter of the domestic concern of Pakistan alone.”(A/PV.2003, para. 156)</p> <p>“For 23 years there had existed and developed in what was then East Pakistan and is now Bangladesh a demand for autonomy, inspired by continued economic exploitation and political domination and discrimination by West Pakistan. [...] This demand for equality was always rejected, and when it was finally expressed in an overwhelming manner through the elections of December</p>

		<p>1970, an attempt was made to suppress it with the utmost brutality amounting to genocide." (A/PV.2003, para. 161, para. 165) "the massive extinction of human rights and genocide."</p> <p>"Pakistan has consistently accused India of interference and involvement in the situation which has led to the establishment of Bangladesh. I must clearly point out the stage at which we became affected and involved. The demands for autonomy repeatedly expressed, the demands for the granting of official status to the Bengali language, the demands to end economic exploitation and political discrimination were not of India's making. The elections of December 1970 and their overwhelming results were not of India's making. The armed resistance of the people of Bangladesh to the brutal military action of the Pakistan Government was not of India's making. The flight of 10 million refugees was not of India's making." (A/PV.2003, para. 171)</p>
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	Code	Material
6. UNSC Reaction	4 unclear + veto	<p>### Prior to December 1971, the UNSC had hesitated to become seized of the matter. In December, the UNSC discussed the issue. The USA introduced a draft resolution (S/10416) on 4 Dec 1971 that was to call on both Parties to cease fire and withdraw their troops from the other State's territories. 11 States in favor, UK and France abstaining, USSR and Poland against. Therefore, the Resolution failed by the USSR veto . Another draft resolution, introduced by the USSR (S/10418), was voted on the next day (5 Dec) but failed to gain enough affirmative votes. USSR, Poland in favor, PRC against, 12 abstaining. The Res was to "Call[.] upon the Government of Pakistan to take measures to cease all acts of violence by Pakistani forces in East Pakistan".</p> <p>In the same meeting, another draft Res (S/10423) introduced by 8 Non-Permanent UNSC members ["Calls upon the Governments of India and Pakistan to take forthwith all measures for an immediate cease-fire and withdrawal of their armed forces on the territory of the other to their own side of the India/Pakistan borders"] was, again, vetoed by the USSR: 11 in favor, Poland and USSR against, France and UK abstaining. The UNSC then decided to refer the issue to the UNGA (S/Res/303 of 6 Dec 1971) In response to UNGA A/Res/2793, the UNSC adopted S/Res/307 (21 Dec 1971) [13 votes to none with Poland, USSR abstaining] in which it demandd that both sides uphold a durable cease-fire###</p>
7. UNGA Reaction	3 unclear	<p>The UNGA adopted a 34-power Draft Res [A/L.647] as A/Res/2793 (XXVI) at its 2003rd plenary meeting, 7 December 1971 [adopted by 104 votes to 11, with 10 abstentions. Against included: India, USSR and its Soviet allies]:</p> <p>1st Operative Clause: "Calls upon the Governments of India and Pakistan to take forthwith all measures for an immediate cease-fire and withdrawal of their armed forces on the territory of the other to their own side of the India-Pakistani borders";</p> <p>2nd O.C.: „Urges that efforts be intensified in order to bring about, speedily and in accordance with the purposes and principles of the Charter of the United Nations, conditions necessary for the voluntary return of the East Pakistan refugees to their homes"</p> <p>Bangladesh was admitted to the United Nations by UNGA Res 3203 on 17 September 1974</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	Disapproving (regarding Pakistan's use of force):

	<p>USSR: <i>### Identified the Pakistani aggression against the East Pakistani people as the source of the conflict. As India suffered from the consequences of Pakistan's internal struggle, and as Pakistan as well as the international community had failed to take sufficient action, India was justified to protect itself:</i> "Some speakers have said here that India has moved a certain portion of its forces towards the frontiers of East Pakistan. But what self-respecting Government which cares for its country, for its security, would not move a part of its armed forces to the territory whence came a flood of as many as 10 million refugees? Any Government which did not do that would simply be ignoring its fundamental obligations." (Ambassador Malik, S/PV.1606, p. 25, para. 268)</p> <p>Poland: "Simultaneously, military actions were being extended to the immediate vicinity of the Indian frontier and across the frontiers. Is that not a situation which could not but provoke in India a legitimate feeling of a threat to its security? I do not think anybody can challenge that." (A/PV.2003, para. 212)</p> <p>Disapproving (regarding India's use of force)</p> <p>Albania: "For some days the Indian Government has been embarked upon an act of armed aggression against Pakistan, an independent and sovereign country and a Member of the United Nations." (A/PV.2003, para. 107, para. 115): "the Albanian people resolutely condemn the armed aggression of the Indian Government against Pakistan."</p> <p>PRC: Strongly opposed the idea that India's actions could be justified as support for the Bengali Liberation movement, with explicit reference to the implications this concept would have for its own situation in Tibet. Feared that India would thus find a pretext to intervene in the Tibetan regions of China as well. (S/PV.1606, paras. 237f.) "the Indian Government is an outright aggressor" (A/PV.2003, para. 311)</p> <p>Portugal: "[...] the question that is at present being discussed by the General Assembly, namely, the situation resulting from the hostilities initiated by the Indian Union against the Republic of Pakistan." (A/PV.2003, para. 262)</p> <p>States not clearly disapproving of either India's or Pakistan's use of force</p> <p>USA: <i>### proposed a draft Res (S/10416) calling upon both States to cease fire and withdraw their troops from the other State's territories.</i></p>
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	<p>“Let us then all, and quickly, agree that a cease-fire [between India and Pakistan] in this tragic hour is essential and that a withdrawal of forces from foreign territories must take place without delay so that progress can be made in building the conditions in East Pakistan-political, economic and social-in which the refugees will return and in which peace can be ensured. The United States is prepared to support appropriate and effective measures by the Council to bring about a cessation of hostilities and a withdrawal of forces [...]” (George H W Bush, permanent representative of the US to the UN in S/PV.1606, para. 199)</p> <p>France: Stressed that the Indo-Pakistani fighting and the internal struggle of Pakistan were connected and should be dealt with together: “we appreciate the fact that Pakistan is attached both to its sovereignty and its integrity. [...] we appreciate the fact that India cannot feel satisfied with superficial solutions when it has millions of refugees under its care.” (S/PV.1606, p. 21, para. 332)</p> <p><i>###Leaving aside 1) the potential, but generally negated, possibility of Indian intervention being justified on humanitarian grounds and 2) an assessment of the merits to the “refugee aggression” claim, it boils down to assessing who first got involved in a use of force crossing the Art 2 (4) or Art 51 threshold – India or Pakistan. This seems reasonably disputed: while Sarkees/Wayman identify Pakistan as the aggressor (attacks on 3 Dec 1971, see also Kritsiotis in Ruys/Corten, p 169), India had, long before November 1971, started supporting the Bengali rebels by providing sanctuaries, training, arms and ammunition, and got directly involved in raids into Pakistani territory by the end of October The scale of these involvements seems unclear, so that it cannot conclusively assessed whether this alone amounted to a use of force.###</i></p>
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770 Pakistan

	Code
Law invoked?	1 Yes

ce ur 2	Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	<p>“This meeting of the Security Council is being held in one of the most extraordinary situations in the history of the United Nations. A State Member of the United Nations, India, has not only launched aggression on the territory of another Member State, Pakistan, but ‘has openly demanded -that Pakistan dismember itself and give up that part of its territory which contains the majority of its population. [...] The world knows about the statement of the Prime Minister of India, made on 1 December, that Pakistan should withdraw its troops from its eastern part. The world also knows that Indian troops entered the territory of Pakistan and have been there since 21 November at least.” (Representative of Pakistan to the United Nations, S/PV.1606, 4 December 1971, p. 7, para. 70 f.)</p> <p>“Pakistan’s eastern province has been under a massive attack, since 21 November, by India’s regular troops, tanks and aircraft. The attack was launched simultaneously at half a dozen points along three sides of India’s land frontier around East Pakistan. The Indian attack was unprovoked; it was on a large scale; it was co-ordinated; it was preceded by heavy artillery fire; and it was made under air cover.” (Representative of Pakistan to the United Nations, S/PV.1606, 4 December 1971, p. 7, paras. 77 f.)</p> <p>“It was, of course, to be expected that India should have contrived an excuse for launching an armed attack on Pakistan by alleging that Pakistan’s forces intruded into Indian territory at a certain time and place. When listening to these allegations, regardless of their falsehood, the Security Council ‘has to bear in mind the principle that a State which is the victim in its own territory of subversive and/or terrorist acts by irregular, volunteer or armed bands organized by another State, is entitled to take all reasonable and adequate steps to safeguard, its existence’ and its institutions. This principle, recognized in international law, has been well stated by Member States of different continents and political alignments in their proposed definitions of aggression, Pakistan by no means exceeded this right in suppressing armed and terrorist bands which aimed to bring about a dismemberment of the State.” (Representative of Pakistan to the United Nations, S/PV.1606, 4 December 1971, p. 9 para. 99)</p> <p>“When it [India] had to admit that it was directly participating in the fighting in Pakistan territory, India cited the right of self-defence. But since when is it permissible under the</p>

							<p>Charter of the United Nations for a Member State which is not attacked to enter the territory of another Member State in the name of self-defence?" (S/PV.1606, para. 97)</p> <p><i>### Specifically to the disputed facts:</i></p> <p>"It would be fantastic to allege that, Pakistan, which is one fourth India's size, whose armed forces are vastly outnumbered by India's in both manpower and equipment, and which at present is grappling ,with a severe internal crisis, launched-or even contemplated-an armed attack on India in November." (Representative of Pakistan to the United Nations, S/PV.1606, 4 December 1971, p. 9, para. 98)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	4 unclear + veto	<i>see India 6</i>
7. UNGA Reaction	3 unclear	<i>see India 7</i>
8. ICJ Reaction	4 no reaction	

9. State Reaction	3 unclear	<i>see India 9</i>
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31. Yom Kippur War 1973

Key data

Duration: 6.10.1973 – 24.10.1973; Parties: Israel vs. Egypt, Iraq, Jordan, Saudi Arabia, Syria; Initiator: Egypt, Syria.

651 Egypt

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	<p>S/9190, Letter of 6 October 1973 from Egypt to UNSC: „Egypt, exercising its legitimate right of self-defence, calls upon all peace-loving peoples and countries to put all their weight to help put an end to the Israeli continued acts of aggression.”</p> <p>/9190, Letter of 6 October 1973 from Egypt to UNSC: “At 6.30 hours a.m. (New York Time) today, Saturday, 6 October 1973, Israeli air formations attacked Egyptian forces stationed in the areas of El Zaafarana and El Sukhna on the Gulf of Suez, while Israeli</p>

							naval units were approaching the Western Coast of the Gulf of Suez from the Egyptian territory of Sinai occupied by Israel as a result of the war it launched on 5 June 1967.”
Letter sent in accordance with Art. 51 UNCh	1 yes S/9190, 6 October 1973						

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
8 recover territory	4 no spec.	2 No	1 Yes	2 No	1 Yes	2 No	<p>UNYB 1973, p. 211: “The Egyptian Foreign Minister went on to say that Israel had frustrated all efforts aiming at a peaceful settlement of the problem of the Middle East. The previous May, he recalled, Egypt had requested the Security Council to meet and consider the situation in the Middle East. Fourteen members of the Council out of 15 stood firmly behind the principle of non-acquisition of territory by war, of territorial integrity and of self-determination. Later, as a result of the Council's failure to take a decision owing to the veto of the United States, Israel had escalated its arrogant policy of violence and aggression. Egypt was trying to set its feet back on its land and that could not be called aggression. It was an act of liberation for which Egypt expected the Assembly's full support.”</p> <p>Israel, UNYB 1973, p. 210: “The cease-fire was an international agreement which had been accepted by Egypt, Syria and Israel in response to the Security Council's decision of 6 June 1967 (Resolution 233) in which all three Governments had concurred.” (...) “The attempt to smash the ceasefire was, he asserted, a massive violation of international law.”</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	UNSC Res/338, 22 October 1973: Clause 1: "Calls upon all parties to the present fighting to cease all firing and terminate all military activity immediately, no later than 12 hours after the moment of adoption of this decision, in the positions they now occupy;" Clause 2: "Calls upon the parties to start immediately after the cease-fire the implementation of Security Council resolution 242 (1967) in all of its parts:"
7. UNGA Reaction	4 no reaction	François Dubuisson, Vaios Koutroulis, "The Yom Kippur War—1973", in: Tom Ruys, Olivier Corten, "The Use of Force", 2018, p. 191 [citing from the United Nations Truce Supervision Organization, Reports on the Outbreak of Hostilities (6 October 1973), UN Doc S/7930/Add.2141,2142]: "Egyptian and Syrian armies launched a sudden surprise attack. On the Syrian front, 40,000 soldiers supported by 850 tanks broke into the Golan Heights while Syrian jets bombarded Israeli settlements in the Huleh Valley. Egyptian forces crossed the Suez Canal under cover of artillery and tank fire, while Egyptian airplanes bombed Israeli installations in Sinai."
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	China: UNYB 1973, p. 198: "The sacred fight against aggression and for the recovery of occupied territories—waged by the peoples of Egypt, Syria and Palestine— had broken through the situation of "no war, no peace" deliberately created by the two superpowers in the Middle East for their respective interests, and had exploded the myth about the "invincibility" of Israel."

	<p>United States: UNYB 1973, p. 194: “There must be respect for the rights and positions of all the States in the region. The parties concerned must return to the positions held before hostilities broke out.”</p> <p>United States: UNYB 1973, p. 194: “The United States representative pointed out that, for the first time in more than three years, armed hostilities had broken out on a massive scale in the Middle East, breaking the cease-fire. Reports based on United Nations sources appeared to indicate that the air attacks in the Golan Heights had been initiated by Syrian MIG aircraft and that the first firing on the Suez front had been from west to east.”</p>
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670 Saudi Arabia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	<p>Terence Smith, “Israeli Planes Attack”, New York Times, 8 October 1973, p.32, https://timesmachine.nytimes.com/timesmachine/1973/10/08/issue.html (accessed on 28 June 2022): “King Feisal sent a pledge to Egypt that his country would ‘stand beside you with all our potential and capabilities’”</p> <p>Terence Smith, “Israeli Planes Attack”, New York Times, 8 October 1973, p.32, https://timesmachine.nytimes.com/timesmachine/1973/10/08/issue.html (accessed on 28 June 2022): Saudi Arabia, the real Arab oil heavyweight, did nothing on the oil front, but King Feisal sent a</p>

							pledge to Egypt that his country would “stand beside you with all our potential and capabilities,” while telling Secretary of State Kissinger that “it is the United States' duty to force Israel to pull out of Arab lands and to return to the Palestinian people their rights to their lands.”
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 no reaction	

666 Israel

	Code

Law invoked?	1 Yes
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6. abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	<p>UNYB 1973, p. 210: "The attempt to smash the ceasefire was, he asserted, a massive violation of international law."</p> <p>Letter Israel to UNSC 8.10.1973: S/11011: "Israel is now engaged in defending itself against this treacherous assault. It will spare no effort, in exercise of its right to self-defence, until the aggressors have been thrown back and the cease-fire structure agreed by the parties in 1967 and the 1970s restored"</p> <p>Israel UNYB 1973, p. 194 "massive armed attack launched against Israel, on the day of Atonement, from the west and the north"; p. 210: "The sacrilegious exploitation of the Day of Atonement and Israel's renunciation of preventive action during those critical hours had cost Israel dear, he said, but the Egyptian and Syrian advantage had been and would be brief. Israeli forces were repelling the enemy on both fronts."</p>
Letter sent in accordance with Art. 51 UNCh	1 yes S/11011, 8 October 1973						

4. Invocation of use of force by a victim state	.1 Source	Material
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0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	UNSC Res/338, 22 October 1973: Clause 1: "Calls upon all parties to the present fighting to cease all firing and terminate all military activity immediately, no later than 12 hours after the moment of adoption of this decision, in the positions they now occupy;" Clause 2: "Calls upon the parties to start immediately after the cease-fire the implementation of Security Council resolution 242 (1967) in all of its parts:"
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	India UNYB 1973, p. 195: "India's representative said it would be unfair and unjust for the Council to ask for a cease-fire that would leave vast territories of Egypt, Jordan and the Syrian Arab Republic illegally occupied by Israel."

663 Jordan

	Code
Law invoked?	1 Yes

	2 unclear	Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	<p>Eric Pace, "Both Sides Putting Pressure on Jordan", New York Times, 12 October 1973, p.1, https://timesmachine.nytimes.com/timesmachine/1973/10/12/91007700.html?pageNumber=1, (accessed on 28 June 2022): "Ministry of Information ringingly reaffirmed past denunciations of what it called 'the Israeli aggression on Egypt and Syria'"</p> <p>Eric Pace, "Both Sides Putting Pressure on Jordan", New York Times, 12 October 1973, p.1, https://timesmachine.nytimes.com/timesmachine/1973/10/12/91007700.html?pageNumber=1, (accessed on 28 June 2022): "The Jordanian command announced today that it had begun 'moving a detachment of its best military formations' to Syria to help in the 'defense of that land.'"</p> <p><i>###By the time Jordan joined the war (12 October 1973) on behalf of Syria, Israeli troops had entered Syria and executed air strikes throughout Syria. It is hence the question, whether Syria was at this point exercising legitimate self-defense against Israel on its own territory.###</i></p>
Letter sent in accordance with Art. 51 UNCh	2 no						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	3 unclear	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	

652 Syria

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	<p>UNYB 1973, p. 210: "The Syrian Arab Republic, he said, was fighting to repel the aggressor, and asking that an end be put to the occupation of Arab territories usurped by force; that Syria's territorial integrity be safeguarded; and that the principle of self-determination—recognized for all peoples, including the Palestinians—be applied as an inalienable right flowing from the United Nations Charter."</p> <p>S/11009, Letter of 6 October 1973 from Syria to UNSC: "The Israeli armed forces have launched military aggression against Syrian forward positions all along the cease-fire line. Our forces had to return the fire."</p>

							S/11009, Letter of 6 October 1973 from Syria to UNSC: "Upon instructions from my Government, I have the honour to bring to your urgent attention that during the afternoon (Syrian local time) of 6 October (today) the Israeli armed forces have launched military aggression against Syrian forward positions all along the cease-fire line.(...) Formations of Israeli aircraft took part in this aggression and penetrated our air space in the northern sector of the front, thus leading to their confrontation by our air force."
Letter sent in accordance with Art. 51 UNCh	1 yes S/11009, 6 October 1973						

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
8 recover territory	1 treaty	2 No	1 Yes	2 No	1 Yes	2 No	Syria UN.S/PV.1744 [73]: "And the fight we are waging now, and which was provoked by the Israeli attack, cannot be qualified as anything other than a national liberation fight, which is in conformity with the principles of the UN and in accordance with the norms of international law."
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	UNSC Res/338, 22 October 1973: Clause 1: "Calls upon all parties to the present fighting to cease all firing and terminate all military activity immediately, no later than 12 hours after the moment of adoption of this decision, in the positions they now occupy;" Clause 2: "Calls upon the parties to start immediately after the cease-fire the implementation of Security Council resolution 242 (1967) in all of its parts:"
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	China: UNYB 1973, p. 198: "The sacred fight against aggression and for the recovery of occupied territories—waged by the peoples of Egypt, Syria and Palestine— had broken through the situation of "no war, no peace" deliberately created by the two superpowers in the Middle East for their respective interests, and had exploded the myth about the "invincibility" of Israel." United States: UNYB 1973, p. 194: "There must be respect for the rights and positions of all the States in the region. The parties concerned must return to the positions held before hostilities broke out."

645 Iraq

	Code
Law invoked?	1 Yes

	Contestation about	Material

1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	Press Release by Reuters, "Other News of the War in the Mideast", New York Times, 9 October 1973, p. 18 https://timesmachine.nytimes.com/timesmachine/1973/10/09/91005501.html?pageNumber=18 , (accessed on 28 June 2022): "The Palestinian press agency reported tonight that Iraqi troops had arrived in Syria to join, in the fighting against Israel. "The Iraqi forces have actually entered the battlefield," the agency said. The Baghdad Government announced earlier today that it was placing its armed forces at the direct disposal of the Egyptian-Syrian joint military command."
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	

32. Turco-Cypriot War 1974

Key data

Duration: 20.07.1974 – 16.08.1974; Parties: Turkey vs. Cyprus; Initiator: Turkey.

640 Turkey

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					.7 validity	Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level			
3 invitation	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	<p>### Intervention as a Guarantor under Art. IV of the Treaty of Guarantee ###</p> <p>“Turkey was fulfilling its legal responsibility as a co-guarantor of the independence and constitutional order of Cyprus” (UNYB 1974, p. 266)</p> <p>“Turkey's spokesman quoted the Turkish Prime Minister to the effect that the Turkish armed forces had started a peace operation to end decades of strife in Cyprus. The recent coup had been manufactured by the dictatorial regime of Athens, and Turkey was fulfilling its legal responsibility as a co-guarantor of the independence and constitutional order of Cyprus. (...) Turkey exercised its legal rights under the Treaty of Guarantee, with the sole aim of returning the island as a whole to</p>	

							constitutional rule and protecting the Turkish community's right within that framework." (UNYB 1974, p. 266)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	5 humanitarian	<p>"A letter from the Turkish representative, also dated 21 July, said that the same forces of the Greek National Guard who had engineered the coup had launched relentless attacks against the Turkish Cypriot civilian population, including women, children and the elderly, in areas entirely outside the Turkish military zone. The attacks, he said, had been contained to a large extent only through the intervention of the Turkish Air Force." (UNYB 1974, p. 267)</p> <p>"The spokesman for Turkey said that Turkish forces had been ordered to exercise the utmost care for the full safety of UNFICYP personnel. He also said that Turkey had intervened in Cyprus only when the very life of the Turkish Cypriot community and the independence of the island were directly threatened. Turkey, he said, was ready to begin negotiations if a constitutional arrangement were accepted under which the Turkish community would maintain its autonomous administration in one part of the island and the Greek community its own in another." (UNYB 1974, p. 276)</p> <p>"Turkey, he said, was devoted to a peaceful solution of the problems of the island, but it wished to leave no doubt about its intention to safeguard the legitimate rights and interests of the Turkish community." (UNYB 1974, p. 263)</p>

	Code	Material
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6. UNSC Reaction	2 disapproves	UNSC/Res 353, 20 July 1974, Clause 3: "Demands an immediate end to foreign military intervention in the Republic of Cyprus that is in contravention of the provisions of paragraph 1 above" Clause 4: "Requests the withdrawal without delay from the Republic of Cyprus of foreign military personnel present otherwise than under the authority of international agreements" UNSC/Res 360, 16 August 1974: Clause 1: "Records its formal disapproval of the unilateral military actions undertaken against the Republic of Cyprus;" ### This note of disapproval is directed against Turkey. Turkey had violated the ceasefire agreement on 14 August 1974, whilst Greece and Cyprus had remained peaceful. ###
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p>United States: "The United States representative said that enosis could not be considered an acceptable solution of the Cyprus problem, nor was military intervention by any party justified in the current situation." (UNYB 1974, p. 266)</p> <p>Greece: "The Greek representative said that Turkey had launched a full-scale aggression against the sovereignty and territorial integrity of Cyprus and its attacks were obviously aimed at the permanent occupation of large portions of Cypriot territory—a prelude to the creation of the infrastructure for partition, which was Turkey's permanent and final target. Greece, he said, would take appropriate counter-measures in self defence and in defence of its national interests, and was demanding that the invading Turkish forces be confined within the limits of the Turkish enclaves pending a resolution of the situation." (UNYB 1974, p. 266)</p> <p>Cyprus: "Today, the unfolding of that situation has added to the tragedy in Cyprus by another intervention, another aggression following the first, in a cycle that is peculiar to the case of Cyprus, because the two countries which have grossly violated the independence and territorial integrity. (...) The problem remains the effect of these aggressions and interventions – contrary not only to the Treaty of Guarantee which the guarantors have signed, not only to a treaty obligation, but also to the Charter of the United Nations and to the concept that every member of the Council has so emphatically declared: the inadmissibility of such interventions and aggressions against a small country." [238] "First of all, with regard to this statement concerning the words in the Treaty of Guarantee: 'In so far as a common or concerted action may not prove possible', of course I do not for a moment think that common and concerted action by the three guarantors carries the meaning that these three would act together by using their aircraft and battleships to invade Cyprus (...) Those words 'concerted action' mean lawful action, peaceful action, through measures of representation, through the Security Council and through other means, not through aggression, which under the Charter of the United Nations is forbidden." (Statement Ambassador of Cyprus S/PV.1781, 24 June 1983, para. 205)</p>

352 Cyprus

	Code
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Law invoked?	1 Yes						
1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						
4. Invocation of use of force by a victim state	.1 Source	Material					
1 yes	1 Treaty	<p>“Upon instructions, I have the honour to request that an emergency meeting of the Security Council be held today to consider the grave deterioration of the situation in Cyprus, through the continued and flagrant violations of the ceasefire by Turkey which, furthermore, is daily and massively importing into the island more and more tanks and other weapons of destruction.” (S/11384, Letter by Cyprus of 26 July 1974)</p> <p>“Today, the unfolding of that situation has added to the tragedy in Cyprus by another intervention, another aggression following the first, in a cycle that is peculiar to the case of Cyprus, because the two countries which have grossly violated the independence and territorial integrity. (...) The problem remains the effect of these aggressions and interventions – contrary not only to the Treaty of Guarantee which the guarantors have signed, not only to a treaty obligation, but also to the Charter of the United Nations and to the concept that every member of the Council has so emphatically declared: the inadmissibility of such interventions and aggressions against a small country.” [238] “First of all, with regard to this statement concerning the words in the Treaty of Guarantee: ‘In so far as a common or concerted action may not prove possible’, of course I do not for a moment think that common and concerted action by the three guarantors carries the meaning that these three would act together by using their aircraft and battleships to invade Cyprus (...) Those words ‘concerted action’ mean lawful action., peaceful action, through measures of representation, through the Security Council and through other means,</p>					

		<p>not through aggression, which under the Charter of the United Nations is forbidden.” (S/PV.1781, 24 June 1983, Statement Ambassador of Cyprus, para. 205)</p> <p>“On 13 August, the representative of Cyprus requested an emergency meeting of the Security Council ‘to consider the dangerously grave situation’ that had arisen as the result of ‘renewed acts of naked aggression’ against Cyprus by Turkey.” (UNYB 1974, p. 276)</p>
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see Turkey 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<p>Greece:</p> <p>“The Greek representative said that Turkey had launched a full-scale aggression against the sovereignty and territorial integrity of Cyprus and its attacks were obviously aimed at the permanent occupation of large portions of Cypriot territory—a prelude to the creation of the infrastructure for partition, which was Turkey’s permanent and final target. Greece, he said, would take appropriate counter-measures in self defence and in defence of its national interests, and was demanding that the invading Turkish forces be confined within the limits of the Turkish enclaves pending a resolution of the situation.” (UNYB 1974, p. 266)</p>

33. War over Angola 1975-1976

Key data

Duration: 23.10.1975 – 12.02.1976; Parties: South Africa, Democratic Republic of the Congo (Zaire), Cuba, Angola; Initiator: South Africa.

560 South Africa

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2. Source of law	Contestation about					Material
		3. facts	4. interpretation	5. exceptional circumstances	6. abstr. gen. level	7. validity	
3 invitation	4 no spec.	1 Yes	1 Yes	2 No	2 No	2 No	<p>### South Africa supported the UNITA movement, one of the three major Angolan parties in the anti-colonial war against Portugal. In 1975, UNITA cooperated with the FNLA to fight against the MPLA (FNLA and MPLA being the two other major Angolan factions during the anti-colonial war) ###</p> <p>“I wish to state emphatically and categorically that arrangements were indeed made with the Portuguese authorities for them to assume protection of the Calueque dam and for South Africa to carry out the task until they arrived.” (S/PV.1904, 30 March 1976, para. 110)</p>

						<p>“South Africa [...] sought to protect a hydroelectric project which was constructed at great cost for purely peaceful purposes [...]” (S/PV.1904, 30 March 1976, para. 97)</p> <p>1.3 Contestation about facts</p> <p>“We are accused of aggression at a time when not a single South African soldier is still in Angola, although thousands of Cubans remain. Once again we find certain countries levelling my Government accusations and distortions of fact in an attempt to substantiate their trumped-up charges. I am consequently obliged to set out the true facts of the limited involvement of South Africa in Angola.” (S/PV.1904, 30 March 1976, para. 96)</p> <p><i>### In contrast, see Angolan Statement ###</i></p> <p>“The South African representative, in his hypocritical, fallacious and demagogic statement spoke about the ‘limited participation’ of his country in what he called the ‘civil war’ in Angola. He said that the aggressive forces of his country were in the region of Calueque and Ruacani only to protect the hydro-electric project of the Cunene River and the workers who are working there. But in fact the regular South African army entered Angola in force on 23 October 1975 and occupied almost half of Angola.[...] Those forces, supported by armoured vehicles, tanks and aircraft, successively occupied [...list of places...] Novo Redondo (province of Cuanza-Sui). Please note that Novo Redondo is situated about 800 kilometres from the frontier with Namibia. We have a map here for those who want to confirm this, on which can be seen the frontier with Namibia and the town of Novo Redondo.” (S/PV.1905, 31 March 1976, para.6)</p> <p>1.4 Contestation about application</p> <p>“arrangements were indeed made with the Portuguese authorities [...].” (S/PV.1904, 30 March 1976, para. 110)</p> <p><i>### Contestation about the legitimate government. In contrast to Cuban statement, see below ###</i></p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
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0	0	
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Legitimacy Claim	Code	Material
5.1	5 humanitarian	<p>“South Africa, unlike Soviet Russia and Cuba, has played a very limited role in the recent events in Angola. Moreover, again unlike Soviet Russia and Cuba, its role was motivated by essentially protective and humanitarian considerations. It sought to protect a hydroelectric project which was constructed at great cost for purely peaceful purposes, and it was forced to undertake the purely humanitarian task of caring for thousands of displaced persons fleeing from the Russian and Cuban onslaught.” (S/PV.1904, 30 March 1976, para. 97)</p> <p>“The South African Defence Force gave protection to the workers at Calueque in order to ensure the vital water supply to Owambo.” (Letter of 25 March 1976, S/12024)</p>
5.2	9 protection of nationals abroad	<p>“Because of the Portuguese Government’s inability to provide the necessary protection, we had no choice but to protect the workers and the construction work at the Calueque dam” (S/PV.1904, 30 March 1976, para. 107)</p> <p><i>### Calueque is situated in Angolan territory. According to the South African representative (paras. 98 ff), the dam was a cooperative project between Portugal and South Africa and South African workers were contributing to the project, which had great economic importance for Angola and South West Africa. This justification had also been referenced by South Africa’s Prime Minister (Statement of 21 March 1976, as found in S/I2019/Add.I) ###</i></p>

	Code	Material
6. UNSC Reaction	2 disapproves	<p><i>### The UNSC condemned South African involvement ###</i></p> <p>“Gravely concerned at the acts of aggression committed by South Africa against the People’s Republic of Angola and the violation of its sovereignty and territorial integrity, [...] 1. <i>Condemns</i> South Africa’s aggression against the People’s Republic of Angola; 2. <i>Demands</i> that South Africa scrupulously respect the independence, sovereignty and territorial integrity of the People’s Republic of Angola.” – S/Res/387 <i>### adopted on 31 March 1976 with 9 votes to none, 5 abstentions (France, Italy, Japan, UK, US), China not participating in the vote ###</i></p>
7. UNGA Reaction	2 disapproves	<p>1975 – unclear reaction:</p> <p><i>### In the UNGA, 8-10 December 1975, several African States (Benin, the Congo, Guinea, Guinea-Bissau, Madagascar, Mali and Senegal) proposed an amendment to a draft resolution concerning the situation in South Africa (apartheid). The amendment was to condemn the direct intervention of South African armed forces in Angola (UNYB 1975, p. 146; A/PV.2430). However, the Res eventually adopted, UNGA Res 3411 G (XXX), made no reference to Angola. ###</i></p>

		<p>1976 – the UNGA condemned South African involvement: <i>“Condemning the racist regime of South Africa for its colonial war against the Namibian people and its repeated acts of aggression against the People’s Republic of Angola and the Republic of Zambia,” – UNGA Res 31/6 D ### as proposed by 48 powers, adopted on 9 November 1976, by recorded vote of 110 to 8, with 20 abstentions [Against: Belgium, France, Federal Republic of Germany, Italy, Luxembourg, Netherlands, United Kingdom, United States] ###</i></p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p>African Group: “On behalf of the African Group at the United Nations, I have the honour to request you to take the necessary steps for the convening of a Security Council meeting to consider the act of aggression committed by South Africa against the People's Republic of Angola.” (Letter of 11 March 1976, S/12007)</p> <p>United States of America: “An independent nation has been invaded by foreigners, foreign troops, foreign arms. One group of African countries has brought to our attention the prospect that a nation, South Africa, has been involved. We await their evidence. [...] And we have other information of invasion by two other countries. Now, are we going to pay attention to those? I think we should pay attention to the words of my colleague and predecessor at this podium, Mr. Mutuale of Zaire , who spoke with pride of his nation's role in the liberation of the African continent from the colonial yoke. Those were his words, and he clearly said his nation did not mean to be a party to the reimposition of that colonial yoke by a great European Power [the Soviet Union] with its armies and its weapons already on the north-east coast and southwest coast of Africa.” (A/PV.2430, 12 August 1976, para. 62)</p> <p>USSR: “The amendments submitted by seven African States [A/L.784] quite rightly propose that we condemn the direct intervention of the racist regime of South Africa in Angola-the incursion of South African troops into Angolan territory-and call for the immediate withdrawal of the racist troops from Angola.” (A/PV.2435, 10 December 1975, para. 2)</p> <p>China (PRC): “[...] the two aggressors made a defence of their crimes of aggression and intervention in Angola. One aggressor depicted itself as the saviour of the Angolan people and even vowed that it did not harbour any selfish designs. The other aggressor depicted itself as a philanthropist who was concerned with the interests of the Namibian people, particularly the people of Ovamboland. However, these are all absurd and ludicrous lies which cannot change the facts that they, the South African white racists and the Soviet social-imperialists, have left behind, written with the blood of the Angolan people.” (S/PV.1904, 30 March 1976, para. 198)</p> <p><u>Portugal</u> “It must not fail to be noted that, contrary to what was stated by the Defence Minister of South Africa, in November 1975, Mr. Vorster now admits that his country's troops penetrated Angolan territory on 9 August 1975, with neither the knowledge nor</p>

		the advance authorization of the Portuguese Government , which only became aware of that action after it had already taken place. [...] the Portuguese Ambassador protested against that territorial violation. " (Letter of 25 March 1976, S/12023)
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40 Cuba

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
7 self-determination	4 no spec.	2 No	2 No	2 No	1 Yes	2 No	<p>### Cuba was intervening in support of the MPLA movement, which eventually gained control over Angola and was recognized as the legitimate government. ###</p> <p>"For Cuba, to give assistance to that fraternal people, victim of the combined aggression of imperialists, racists and mercenaries, and to contribute to the defence of its national independence was simply to fulfil an elementary duty of solidarity. For the Cubans it has been an honour to wage that battle together with the heroic soldiers of the Angolan national army and the fighters of other African nations that have also stood in the vanguard of the struggle against colonialism." (S/PV.1902, 29 March 1976, para. 48)</p> <p>"Cuba has always helped all national liberation movements in Africa, among them the Movimento Popular de Libertacao de Angola, which is the only legitimate representative of that people, the sole movement which for many years fought heroically against Portuguese colonialism, the only one which represents the national interests of the Angolan people and has raised the standard of national independence in the face of foreign intervention." (Cuban Representative, A/PV.2434, 10 December 1976, p. 1211, para. 11)</p>

							<p>“This position of political, moral, diplomatic and material support adopted by Cuba for the national liberation movements of Africa, including MPLA, has been entirely in keeping with the decisions taken by the non-aligned countries, the resolutions adopted by the member States of the OAU and the repeated resolutions that year after year have been adopted by the General Assembly which has always recognized the right of national liberation movements to receive assistance in their just struggle and the duty of States to provide such assistance.” (A/PV.2434, 10 December 1976, p. 1212, para. 12)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence (collective self-defence)	4 no spec.	1 Yes	1 Yes	2 No	2 No	2 No	<p>“We believe that to help this Government led by Agostinho Neto-which we and many others consider to be the only legitimate Government of Angola-to combat by all possible means the foreign aggression of which it is at present a victim constitutes an obligation which Cuba has discharged, continues to discharge and will always discharge” (A/PV.2434, 10 December 1976, p. 1212, para. 13)</p> <p>“I have already said that Cuba gave the People’s Republic of Angola military assistance, which was requested by its legitimate Government, precisely to confront the aggression on the part of South Africa troops, Portuguese fascists and international mercenaries.” (S/PV.1902, 29 March 1976, para. 56)</p> <p><i>### 2.3 Contestation about facts because the extent of South Africa’s invasion into Angolan territory is disputed, see Justificatory Claims of South Africa and Angola ###</i></p> <p><u>2.4 Contestation about application</u> <i>### Contestation about the legitimate government. Disputed whether and from which date on the MPLA was the legitimate government to request Cuban support in exercising self-defence ###</i></p>

							“Cuba has always helped all national liberation movements in Africa, among them the Movimento Popular de Libertacao de Angola [MPLA, annotation FH], which is the only legitimate representative of that people , [...]” (A/PV.2434, 10 December 1976, para. 11) ### In contrast to South Africa’s statement, see above ###
Letter sent in accordance with Art. 51 UNCh	2 no ### Cuba did not sent a letter to the UNSC invoking self-defence. ###						
3.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	“I have already said that Cuba gave the People’s Republic of Angola military assistance, which was requested by its legitimate Government , precisely to confront the aggression on the part of South Africa troops, Portuguese fascists and international mercenaries.” (S/PV.1902, 29 March 1976, para. 56)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						
4. Invocation of use of force by a victim state	.1 Source	Material					
0	0						
	Code	Material					

5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	3 unclear	<i>### Condemnation of South Africa, silence on Cuba: In the UNSC meetings leading up to the Resolution that condemned South Africa (meetings #1900-1904, S/Res/387 -> See South Africa), some States also made reference to Cuban involvement [e.g. statement by China: "The role played by the Cuban authorities in the naked aggression carried on by the Soviet Union in Angola is known throughout the world." (S/PV.1902, 29 March 1976, para. 90). However, the Resolution was silent in that regard and condemned South Africa only. ###</i>
7. UNGA Reaction	3 unclear	<i>### In a similar manner, the UNGA also considered the situation in Angola and eventually condemned South Africa only, its Resolution being silent on Cuban involvement. ###</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>### While several States were silent on Cuban involvement in Angola, some States verbalised disapproval, in particular China (PRC) and the USA ###</i> United States of America: "From the beginning of the struggle in Angola the United States Government sought three principal goals: an end to bloodshed, the opportunity for all competing factions through their own efforts to be represented in the Government of an independent Angola, and the cessation of all foreign military involvement. And just as the end to South Africa's wrongful intervention is very welcome, so the continuing Cuban and Soviet intervention is wrong: wrong because it deprives the Angolan people of the ability to exercise self-determination freely, uncoerced by foreign military intervention; wrong because of its massive size-Soviet aid to Angola in 1975 and early 1976 far exceeded the entire amount of military aid to sub-Saharan Africa from all sources in 1974- wrong because it can no longer be related to any of the alleged purposes it pretended to serve; and wrong because of its implications for the future in Africa and elsewhere in the world." (S/PV.1906, 01 April 1976, para. 159)

490 Democratic Republic of the Congo (Zaire)

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2. Source of law	Contestation about					Material
		3 facts	4 interpretation	5. exceptional circumstances	6 abstr. gen. level	7 validity	
11 intervention below the threshold of force	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	<p>### Zaire intervened in the conflict to a more limited extent than Cuba and South Africa. It mostly supported the FNLA movement in North Angola but withdrew much earlier than South Africa. Zaire eventually recognized the MPLA government. (cf. Weisburd, <i>Use of Force</i>, 1997, p.201), ###</p> <p>“Zaire does not conceal the fact that it has given assistance, very generous assistance indeed, for over 14 years to the national liberation movements in Angola. We are proud of this; we do not want to make a secret of it. We do not pursue any partisan policy in Zaire. That assistance went to all three liberation movements.” (A/PV.2435, 10 December 1975, para. 65)</p> <p>“Zaire has a policy of positive neutrality vis-a-vis the three liberation movements. It is not a policy which dates from 11 November; already by 1 June, at Kinshasa, Portugal and Zaire had signed important agreements of positive neutrality vis-a-vis the three liberation movements. Under those agreements, no supplies of arms could be made to anyone of the movements. Could the representative of the Soviet Union be ignorant of these facts? We do not follow a partisan policy in Angola.” (A/PV.2435, 10 December 1975, para. 157)</p> <p>“The act perpetrated by the Soviet-Cuban forces which are fighting in Angola on the side of MPLA is in fact a casus belli which is threatening the sovereignty, territorial integrity and security of the Republic of Zaire. I therefore wish to inform you of this matter, requesting you to bring it to the attention of the current President of the Security Council of the President of the General Assembly and of all the States Members of United Nations.” (Note Verbal to the UN, S/11936, 19 January 1976)</p> <p>During the 1975 UNGA debates on South African apartheid, “the representative of Zaire submitted subamendments to the seven-power amendments [### that was to introduce a condemnation of only South Africa’s involvement in Angola ###] so that the proposed new preambular paragraph would have the Assembly express its serious concern over the direct intervention ‘of certain foreign powers, including South Africa, in Angola,’ rather than over the direct intervention of South African armed forces in Angola. [...] Zaire, he said, supported the territorial integrity of Angola and had always rejected any intervention in its domestic affairs. The General Assembly should condemn</p>

							South African interference there but he wondered why that régime alone should be condemned for intervention when other countries were also guilty." (UNYB 1975, p. 146)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5.1 Legitimacy Claim	1 enable self-determination	"Zaire is happy to have made thousands of sacrifices at that time to help to the limit of its possibilities that country which today is in mourning, divided and affected by the atrocities of a fratricidal and useless struggle. During the 14 years of the liberation struggle of Angola, we gladly provided financial, military and moral assistance and support. We rejoice that that aid helped in achieving one of the greatest victories of Africa and the OAU: the liberation of the African continent from the colonial yoke . This assistance and support was meant for all the Angolan people represented by the three liberation movements given equal recognition by the OAU, for Zaire has participated regularly in funding the Liberation Committee of our continental African organization." (A/PV.2430, 08 December 1986, para. 31)

	Code	Material
6. UNSC Reaction	3 unclear	### The conflict was discussed by the UNSC, but the acts of Zaire were neither approved nor disapproved of. See Cuba 6 ###
7. UNGA Reaction	3 unclear	### The conflict was discussed by the UNSC, but the acts of Zaire were neither approved nor disapproved of. See Cuba 6 ###
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	### In the 1976 UNSC debates (meetings #1902 ff), Zaire's role in the Angolan War was not addresses. See South Africa & Cuba 9. ###

540 Angola

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence (against South Africa)	4 no spec.	1 Yes	1 Yes	2 No	2 No	2 No	<p>### By Agreement between MPLA, FNLA and UNITA on the one hand, and Portugal on the other (Alvor Agreement), sovereignty was to be handed back to the Angolan People on 11 November 1975. The Agreement did not regulate the relations between MPLA, FNLA and UNITA. MPLA eventually emerged as the <i>de facto</i> government and was recognized as the legitimate government by several States. ###</p> <p>“We shall not level any accusations at individual countries nor endeavor to expose the various motives which underlay that invasion, but we shall demand that South African forces withdraw immediately from our country. We are demanding that because at the present time not only is our sovereignty being violated on our southern boundary, but also there are violations of principles universally recognized by the international community.” (S/PV.1900, 26 March 1976, para. 16)</p> <p>“Because we defend those principles, we have been struck by the fact that certain circles in international politics have been concerned about Soviet and Cuban support for our country. It is regrettable that, when the South African invasion had apparently succeeded, those same voices remained silent, and it was only later, after 11 November, with the independence of Angola, that we were accused of using the assistance of friendly countries to drive out the invader. In reality, we exercise our sovereignty by asking for assistance from those who -since the beginning have had a better understanding of our struggle. We must say that it is ridiculous to speak in terms of Soviet and Cuban interference in Angola, because we know that that assistance is not part of any expansionist policy, nor is it a violation of our sovereignty.” (S/PV.1900, 26 March 1976, para. 18)</p>

							<p>### justifying Cuban involvement ### “We are an independent and sovereign country. We have a right to appeal to any country to help us when we believe it to be necessary.” (S/PV.1900, 26 March 1976, para. 19)</p> <p>1.3 contestation about facts ### Extent of South Africa’s intrusion into Angolan territory, see South Africa 1.1 ###</p> <p>1.4 contestation about interpretation ### Contestation about the legitimate government, See South Africa & Cuba ###</p>
Letter sent in accordance with Art. 51 UNCh	2 no	### Angola did not sent a letter to the UNSC invoking self-defence ###					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Legitimacy Claim	Code	Material
5.1	1 enable self-determination	“In its decolonization and indeed in its independence Angola has gone through and is still experiencing a difficult period. After the first war of national liberation, which lasted for about 15 years, when the Angolan people were counting on achieving independence in a climate of peace, a plot was hatched behind the scenes by the imperialists the purpose of which was to create in our country a neo-colonial situation. ” (S/Pv.1900, 26 March 1976, para. 11)

	Code	Material
6. UNSC Reaction	3 unclear	see South Africa & Cuba 6
7. UNGA Reaction	3 unclear	see South Africa & Cuba 7
8. ICJ Reaction	4 no reaction	

<p>9. State Reaction</p>	<p>3 unclear</p>	<p>Poland: “Only three months ago, the Seventh Congress of the Polish United Workers’ Party reiterated most emphatically: ‘In solidarity with progressive and democratic movements, our party (...) extends its warm support to the People’s Republic of Angola and to all nations fighting against imperialist aggression and intervention, for freedom, sovereignty and democracy.’” (S/PV.1902, 29 March 1976, para. 6)</p> <p>Cuba: “The Angolan people has fought a long and self-less struggle for independence and freedom. Its martyrs have been numerous and its sacrifices untold; its inspiring feats have filled a history of struggle over five centuries. Few people in the world have shed so much blood and made so many sacrifices in trying to win the right to determine their own future.” (S/PV.1902, 29 March 1976, para. 34)</p> <p>Cameroon: “It is a particular pleasure for me to convey my most fraternal and cordial greetings to the representative of the People’s Republic of Angola. My country, Cameroon, supported and assisted the Angolan people in their struggle for independence. We welcomed the assumption of international sovereignty by the State of Angola with joy, and we recognized it.” (S/PV.1902, p29 March 1976, ara. 69)</p> <p>Yugoslavia: “elsewhere., The United Nations and the Security Council should lend full assistance to the independent People’s Republic of Angola, victim of aggression by the racists of South Africa. My delegation is taking part in the work of the Security Council in order to express, on this occasion also, the full support of non-aligned Yugoslavia for the Government and people of the People’s Republic of Angola and for every resolute action undertaken by the Council to combat the aggression committed by South Africa against Angola. My country, after lending full support and assistance to the long and heroic national liberation struggle of the people of Angola, recognized the Government of the People’s Republic of Angola, headed by Agostinho Neto, immediately after the proclamation of its independence last November.” (S/PV.1903, 30 March 1976, paras. 65 f.)</p> <p>United Kingdom: “I do not think it would be helpful if the Council were to get involved in debate about who in Angola was entitled to call for foreign assistance before 11 November 1975 and who was not. The People’s Republic of Angola is now a sovereign and independent State which many countries in the world, including my own, have recognized. No one questions the right of a sovereign State to receive aid from its friends so long as this does not carry implications for the security of other countries.” (S/Pv.1906, 01 April 1976, para. 152)</p> <p>### <i>While several States, soon after Angolan independence, recognized the MPLA-established government as the legitimate Angolan government, no express approval or disapproval of the MPLA’s use of force against FNLA, UNITA, South Africa and Zaire was voiced in the UNSC or UNGA.</i> ###</p>
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34. East Timorese War, Phase 2 1975-1976

Key data

Duration: 16.10.1975 – 17.06.1976; Parties: Indonesia vs. FRETILIN, UDT forces; Initiator: Indonesia.

850 Indonesia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	1 Yes	1 Yes	2 No	1 Yes	2 No	<p>### Indonesia acting on request of pro-Indonesian groups in East Timor and by the popular representative assembly ###</p> <p>“Asserting that on 31 May 1976 the people of East Timor had requested Indonesia ‘to accept East Timor as an integral part of the Republic of Indonesia’, on 17 July 1976 Indonesia enacted a law incorporating the Territory as part of its national territory.” (East Timor (Portugal v. Australia), Judgment, I. C.J. Reports 1995, p. 96)</p>

						<p>“The representative of Indonesia [at the thirtieth session of the General Assembly, opened in September 1975] said the events that had occurred were the results of the criminal negligence of the Portuguese colonial authorities. Indonesian intervention in Portuguese Timor was in response to a request from the parties which favoured integration with Indonesia, and which had communicated to his Government their decision to be regarded as Indonesian nationals.” (UNYB 1975, p. 859)</p> <p>“The conquering state [Indonesia] had no previous claim to the territory, though here were ethnic and geographic links between it and the target area. It justified its actions by reference to (1) spurious claims that its actions had been taken at the request of the people in the area, (2) pre-colonial territorial boundaries, and (3) supposed ethnic affinity.” (Weisburd, Use of Force, 1997, p. 250)</p> <p>“Throughout its military operations in 1975 Indonesia insisted that its troops were not involved; somewhat inconsistently it also justified its attack on Dili as flowing from a request from pro-Indonesian groups in East Timor.” (Weisburd, Use of Force, 1997, p. 249)</p> <p>“Indonesia subsequently sought to justify its absorption of East Timor, despite its earlier disclaimers, on the basis of the request of the popular representative assembly by claiming that it formed part of a precolonial Indonesian empire and by stressing the ethnic links between the peoples of East Timor and various Indonesian groups” (Weisburd, Use of Force, 1997, p. 249)</p> <p>1.3. and 1.4. Contestation about facts and about application: “Jakarta’s excuses- that its own security was jeopardized by civil war in the territory and that it intervened only at the request of pro-Indonesian political parties- have the stamp of alibis prepared long ago when Portugal first began to explore how best to disengage from the land it had ruled for nearly four centuries.” (“Aggression in Timor”, The New York Times, 13.12.1975, p. 26 https://timesmachine.nytimes.com/timesmachine/1975/12/13/79111151.html?pageNumber=26 (accessed on 11 July 2022))</p> <p><i>### The interpretation is contested also on an abstract-general level, as Indonesia argues that the invitation was issued by the parties favoring integration with Indonesia and not by a government of East-Timor ###</i></p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	3 maintenance of regional stability	<p>“The Indonesian representative [at the thirtieth session by the General Assembly, opened in September 1975] said that the geographical proximity and ethnic kinship were important reasons for his country’s concern about people and stability in Portuguese Timor, not only in Indonesia’s interest but in the interest of South-East Asia as a whole.” (UNYB 1975, p. 858)</p> <p>“In fact, Indonesia apparently acted out of concerns about the establishment of a radical regime on its border.” (Weisburd, Use of Force, 1997, p. 249)</p> <p>“Jakarta’s excuses- that its own security was jeopardized by civil war in the territory and that it intervened only at the request of pro-Indonesian political parties [...]” (“Aggression in Timor”, The New York Times, 13.12.1975, p. 26 https://timesmachine.nytimes.com/timesmachine/1975/12/13/79111151.html?pageNumber=26 (accessed on 11 July 2022))</p>
5.2	12 other (protection of own or ethnically related people)	<p>“The Indonesian representative [at the thirtieth session by the General Assembly, opened in September 1975] said that the geographical proximity and ethnic kinship were important reasons for his country’s concern about people and stability in Portuguese Timor, not only in Indonesia’s interest but in the interest of South-East Asia as a whole.” (UNYB 1975, p. 858)</p> <p>“Indonesia suggested that, regardless of any explicit consent to integration, the historical, ethnic, cultural, and geographical ties between Indonesia and East Timor establish East Timor as an integral part of the Indonesian archipelago.” (Clark, The Decolonization of East Timor and the United Nations Norms on Self-Determination and Aggression, Yale Int’L L, 1980, p.12)</p> <p>“With regard to the decolonization of Timor, the representative of Indonesia expressed the hope that the decolonization process would be carried out with the broadest participation of all segments of the population on a non-discriminatory basis. He said that Indonesia had stated on many occasions that it had no territorial ambitions, but added that, if the population of Portuguese Timor should decide on independence through integration with Indonesia, his Government was prepared to welcome the territory as an integral part of the Indonesian State.” (UNYB 1975, p. 855) ### concerning the Special Committee on the</p>

		<p><i>Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and People's meeting in Lisbon in June ###</i></p> <p>“Indonesia promised today to support ‘quietly or openly’ political parties in Portuguese Timor that want the territory to join Indonesia, and it said the solution to the issue now lay on the battlefield. ‘Diplomacy is finished’ Foreign Minister Adam Malik said at a news conference here. ‘It is now up to the people of East Timor’.” (“Indonesia to press interests in Timor”, The New York Times, 2.12.1975, p. 11, https://timesmachine.nytimes.com/timesmachine/1975/12/02/78270564.html?pageNumber=11 (accessed on 11 July 2022))</p>
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	Code	Material
6. UNSC Reaction	2 disapproves	<p><u>Resolution on 22 December 1975: S/RES/384(1975)</u> “[...] Deploing the intervention of armed forces of Indonesia in East Timor. [...] 1. <i>Calls upon</i> all States to respect the territorial integrity of East Timor as well as the inalienable right of its people to self-determination in accordance with the General Assembly resolution 1514 (XV); 2. <i>Calls upon</i> the Government of Indonesia to withdraw without delay all its forces from the Territory [...]”</p> <p><u>Resolution on April 22, 1976: S/RES/389(1976)</u> “1. <i>Calls upon</i> all States to respect the territorial integrity of East Timor, as well as the inalienable right of its people to self-determination [...]; 2. <i>Calls upon</i> the Government of Indonesia to withdraw without further delay all its forces from the Territory”</p>
7. UNGA Reaction	2 disapproves	<p><u>Resolution on 12 December 1975: A/RES/3485</u> (Yes: 72, No: 10, Abstentions: 43, Non-Voting: 19, Total voting membership: 144) “1. <i>Calls upon</i> all States to respect the inalienable right of the people of Portuguese Timor to self-determination, freedom and independence and to determine their future political status in accordance with the principles of the Charter of the United Nations [...]; Strongly deplores the military intervention of the armed forces of Indonesia in Portuguese Timor [...]; <i>Calls upon</i> the Government of Indonesia to desist from further violation of the territorial integrity of Portuguese Timor and to <i>withdraw without delay</i> its armed forces from the Territory in order to enable the people of the Territory freely to exercise their right to self-determination and independence”</p> <p>“Immediately after the attack on Dili the General Assembly on December 12, 1975, adopted a resolution strongly deploring Indonesia’s action and calling upon it to withdraw and respect the rights of East Timor to self-determination. Ten states voted against the resolution, however, including India, Japan, Saudi Arabia, and all the ASEAN states except Singapore. Forty-three states abstained. « (Weisburd, Use of Force, 1997, p. 249)</p> <p><u>Resolution on December 1, 1976: A/RES/31/53</u> (Yes: 68 No: 20 Abstentions: 49 Non-Voting: 9 Total voting membership: 146)</p>

		<p><i>“Reaffirms the inalienable right of the people of East Timor to self-determination and independence and the legitimacy of their struggle to achieve that right; [...] Rejects the claim that East Timor has been integrated into Indonesia, inasmuch as the people of the Territory have not been able to exercise freely their right to self-determination and independence; <i>Calls upon</i> the Government of Indonesia to withdraw all its forces from the Territory.”</i></p> <p><i>“The General Assembly adopted a resolution on December 1, 1976, similar to the adopted the previous year, with the addition of a paragraph rejecting Indonesia’s claim that it had integrated East Timor; this time, however, twenty states voted against the resolution, including the United States and several Muslim states, in addition to most of those who had voted against the 1975 resolution. Moreover, since only sixty-eight states voted for the resolution while forty-nine abstained, those states refusing to support the resolution outnumbered those supporting it.”</i> (Weisburd, Use of Force, 1997, p. 249)</p>
8. ICJ Reaction	3 unclear	<p>East Timor Case (Portugal v. Australia) (1995): <i>### The ICJ dealt with a dispute between Portugal and Australia concerning “certain activities of Australia with respect to East Timor”, in relation to the conclusion of a treaty between Australia and Indonesia. According to Portugal’s application, Australia had by its conduct failed to observe the obligation to respect the duties and powers of Portugal as the Administrating Power of East Timor and the right of the people of East Timor to self-determination. The Court concluded that Australia’s behavior could not be assessed without first determining why it was that Indonesia could not lawfully have concluded the treaty, while Portugal allegedly could have done so. The Court’s decision would be a determination whether Indonesia has acquired the power to enter into treaties on behalf of East Timor after Indonesia entered and remained in East Timor, and the Court was of the view that it could not make such a determination in the absence of the consent of Indonesia. ###</i></p> <p><i>“For the two Parties, the Territory of East Timor remains a non-self-governing territory and its people has the right to self-determination. Moreover, the General Assembly, which reserves to itself the right to determine the territories which have to be regarded as non-self-governing for the purposes of the application of Charter XI of the Charter, has treated East Timor as such a territory. The competent subsidiary organs of the General Assembly have continued to treat East Timor as such to this day. Furthermore, the Security Council, in its resolutions 384(1975) and 389(1976) has expressly called for respect for ‘the territorial integrity of East Timor as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514(XV)’.”</i> (East Timor (Portugal v. Australia), Judgment, I. C.J. Reports 1995, p.103)</p> <p><i>“However, in this case, the effects of the judgement requested by Portugal would amount to a determination that Indonesia’s entry into and continued presence in East Timor are unlawful [...]. Such a judgement would run directly counter to the ‘well-established principle of international law embodied in the Court’s Statute, namely, that the Court can only exercise jurisdiction over a State with its consent’.”</i> (East Timor (Portugal v. Australia), Judgment, I.C.J. Reports 1995, p.105)</p>
9. State Reaction	3 unclear	<p><i>### third-state reaction to the subjugation of East Timor was split ###</i></p>

	<p>“A significant number of important states, including all the states in its [Indonesia’s] immediate area, refused to criticize its actions. International organisations came to deal with the matter on a pro forma basis only. Essentially, the states of the world with few exceptions accepted Indonesia’s actions.” (Weisburd, Use of Force, 1997, p. 250)</p> <p>“Events among the Nonaligned Movement also followed a pattern similar to those in the United Nations. The Nonaligned Movement summits in 1976 and 1979 affirmed East Timor’s right to self-determination.” (Weisburd, Use of Force, 1997, p. 249)</p> <p>“Aside from significance of states’ votes in the United Nations, acts by several states outside that body indicated their acquiescence in Indonesia’s conquest. Seven states- India, Iran, Malaysia, New Zealand, Nigeria, Saudi Arabi and Thailand- accepted invitations to be present at the ceremony in 1976 that Indonesia argued served to satisfy its self-determination obligations, thereby helping to legitimize the event.” (Weisburd, Use of Force, 1997, p. 250)</p> <p>United States: “By July 19, 1977, the United States made explicit its acceptance of the annexation of East Timor, the legal advisor to the State Department stating that he did not view American policy in this case as ‘setting a legal precedent’ and arguing that ‘decisions whether... to treat an entity as part of another entity are most often taken as political decisions.’” (Weisburd, Use of Force, 1997 p. 250)</p> <p>Australia: <i>### during the war: no special position regarding the conflict; after the war in 1978: recognized that East Timor is part of Indonesia ###</i></p> <p>“The spokesman for Australia said that his country sought no special position in Portuguese Timor; the wishes of the people concerning their emergence into complete freedom should be decisive. If the people of Portuguese Timor wished to associate themselves with Indonesia, he added, Australia would accept it, provided that the decision was based on a well-prepared process of self-determination.” (1975 UN Yearbook, p. 855- concerning the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and People’s meeting in Lisbon in June)</p> <p>“Australia contends that it recognizes, and has always recognized, the right of the people of East Timor to self-determination, the status of East Timor as a non-self-governing territory.” (East Timor (Portugal v. Australia), Judgment, I. C.J. Reports 1995, p. 99)</p> <p>“The incorporation of East Timor as part of Indonesia was recognized by Australia <i>de facto</i> on 20 January 1978. On that date the Australian Minister for Foreign Affairs stated: ‘The Government has made clear publicity its opposition to the Indonesian intervention and has made this known to the Indonesian Government’. He added: ‘[Indonesia’s] control is effective and covers all major administrative centres of the territory.’ And further: ‘This is a reality with which we must come to terms. Accordingly, the Government has decided that although it remains critical of the means by which integration was brought about it would be unrealistic to continue to refuse to recognize <i>de facto</i> that East Timor is part of Indonesia.’ On 23 February 1978 the Minister</p>
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	<p>said: ‘We recognize the fact that East Timor is part of Indonesia, but not the means by which this was brought about.’ (East Timor (Portugal v. Australia), Judgment, I. C.J. Reports 1995, p. 97)</p> <p>Great Britain: “In 1985 the United Kingdom indicated that it regarded the issue of East Timor as one between Indonesia, Portugal, and the United Nations, not involving Britain, suggesting acquiescence in the existing situation.” (Weisburd, Use of Force, 1997, p. 250)</p> <p>People’s Republic of China and Vietnam: “Even the PRC and Vietnam, who provided considerable diplomatic support to East Timor, refused to provide material assistance to FRETILIN’s resistance in Indonesia. Subsequently, both states sought to improve their relations with Indonesia.” (Weisburd, Use of Force, 1997, p. 250)</p> <p>“The representative of China [at the thirtieth session of the General Assembly, opened in September 1975] said that Indonesia was employing false logic in an attempt to convince the Forth Committee that its aggression was justified.” (UNYB 1975, p. 859)</p> <p>Portugal: “Portugal, he [the representative of Portugal at the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and People’s meeting] said, wanted the territories which were still under administration to attain independence as true sovereign States, free and independent, capable of carrying out their obligations and taking their rightful place in the international community. It rejected any paternalism or imposition of political, social or economic models on its former colonies. [...] With regard to Timor, he said that a summit meeting would soon be held with a view to establishing its independence.” (UNYB 1975, p. 854).</p> <p>“The Portuguese Government tonight rejected attempts by rival political groups in Protuguese Timor to proclaim the territory’s independence or its integration into neighboring Indonesia. A statement from President Francisco da Costa Gomes’s office said that Portugal still considered itself the administering power in the Pacific territory and condemned minilitay intervention in the colony, Lisbon’s last.” (“Portugal Says it Rules Timor, Despite Independence Claims”, The New York Times, 30.11.1975, p. 3, https://timesmachine.nytimes.com/timesmachine/1975/11/30/76838356.html?pageNumber=3 (accessed on 11 July 2022))</p> <p>“And the Portuguese administration had demonstrated its own utter inability to restore order by fleeing in August to the nearby island of Atauro, leaving a power vacuum that Fretilin promptly filled.” (“Aggression in Timor”, The New York Times, 13.12.1975, p. 26 https://timesmachine.nytimes.com/timesmachine/1975/12/13/79111151.html?pageNumber=26 (accessed on 11 July 2022))</p> <p>United Republic of Tanzania: ### condemning Indonesia’s actions ###</p>
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	<p>“The United Republic of Tanzania said that if nations, whether strong or weak, could decide when they should intervene in a neighbouring territory, small countries in particular would find themselves living in an atmosphere of constant fear.” (UNYB 1975 p. 859)</p> <p>Saudi Arabia: ### condemning Indonesia’s actions ### “Mr. Baroody (Saudi Arabia) [...] he had reached the conclusion that many delegations thought that Indonesia had acted in an arbitrary manner with the intention of annexing Portuguese Timor, and it appeared from draft resolution A/C.4/L.1131 that Indonesia had been guilty of a reprehensible act.” (International Law Commission, 2188th meeting, 11 December 1975, A-C.4-SR.2188)</p>
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FRETILIN, UDT forces

	Code
Law invoked?	2 No

1.1 Justificatory claim	2. Source of law	Contestation about					Material
		3. facts	4. interpretation	5. exceptional circumstances	6. abstr. gen. level	7. validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	<p>### proclamation of independence of the territory of Timor ###</p> <p>"In a letter dated 28 November, the Chargé d'affaires a.i. of the Portuguese Mission informed the Secretary General that FRETILIN had issued a declaration of independence of its intention to proclaim unilaterally the independence of the territory of Timor. A communiqué forwarded the next day, 29 November, from the Portuguese National Decolonization Commission added that there were further, unconfirmed reports that MAC and APODETI had also declared the independence of Timor, with immediate integration into Indonesia." (UNYB 1975, p. 857)</p> <p>"Two days later a coalition of APODETI, UTD, and two smaller parties, KOTA and Tralabihista, denounced FRETILIN's action and declared the independence and integration of East Timor with the Republic of Indonesia." (Clark, The Decolonization of East Timor and the United Nations Norms on Self-Determination and Aggression, Yale Int'l L, 1980, p. 8)</p>

	Code	Material
6. UNSC Reaction	3 unclear	<p>### The UNSC issued two resolutions which stressed the right to self-determination of East Timor's people. However, the UNSC did not explicitly comment on FRETILIN's actions or the UDT forces' actions. ###</p> <p>Resolution on 22 December 1975: S/RES/384(1975)</p> <p>"[...] Deploing the intervention of armed forces of Indonesia in East Timor. [...] 1. <i>Calls upon</i> all States to respect the territorial integrity of East Timor as well as the inalienable right of its people to self-determination in accordance with the General Assembly resolution 1514 (XV); 2. <i>Calls upon</i> the Government of Indonesia to withdraw without delay all its forces from the Territory [...]."</p> <p>Resolution on April 22, 1976: S/RES/389(1976)</p>

		<p>"1. <i>Calls upon</i> all States to respect the territorial integrity of East Timor, as well as the inalienable right of its people to self-determination [...]; 2. <i>Calls upon</i> the Government of Indonesia to withdraw without further delay all its forces from the Territory"</p>
7. UNGA Reaction	3 unclear	<p>### <i>The UNGA issued resolutions which stressed the right to self-determination of East Timor's people. However, the UNSC did not explicitly comment on FRETILIN's actions or the UDT forces' actions</i> ### <i>see Indonesia 7</i></p>
8. ICJ Reaction	3 unclear	<p><i>see Indonesia 8</i></p>
9. State Reaction	3 unclear	<p>### <i>third-state reaction to the proclamation of independence by FRETILIN was split</i> ###</p> <p>Indonesia: "In its statement, the Indonesia Government among other things regretted the unilateral action of FRETILIN [...]" (UNYB, p. 858)</p> <p>### <i>former Portuguese colonies in Africa recognized FRETILIN's claim declaring East Timor to be independent</i> ### "Apparently in the belief that a declaration of independence would increase their international support, the FRETILIN government declared East Timor to be independent on November 28. It was immediately recognized only by those states of Africa that had formerly been Portuguese colonies." (Weisburd, Use of Force, 1997, p. 248)</p> <p>People's Republic of China and Vietnam: "According to the representative of China [at the thirtieth session of the General Assembly, opened in September 1975] the proclamation of the independence of East Timor by FRETILIN reflected the aspirations of the broad masses of the people there. Portugal, he said, should immediately terminate its colonial rule over the territory. He went on to say that following FRETILIN's declaration Indonesia had openly declared its intention to engage in armed intervention in East Timor. That called for the attention of all Members of the United Nations, he said." (UNYB 1975, p. 858)</p> <p>"Even the PRC and Vietnam, who provided considerable diplomatic support to East Timor, refused to provide material assistance to FRETILIN's resistance in Indonesia. Subsequently, both states sought to improve their relations with Indonesia." (Weisburd, Use of Force, 1997, p. 250)</p> <p>Portugal: ### <i>rejected the claim of independence by FRETILIN</i> ### "FRETILIN had issued a declaration of its intention to proclaim unilaterally the independence of the territory of Timor. [...] Portugal, as the administering power, could not accept claims of independence or of integration into third States that were not in accordance with the fundamental principle of the Portuguese decolonization process - namely, that of ensuring respect for the wishes of the people for the exercise of their right to self-determination, taking into account the specific circumstances of each territory." (UNYB 1975, p. 857)</p>

		<p>Australia: ### <i>did not accept the declaration of independence of FRETILIN</i> ### "Australia [at the thirtieth session of the General Assembly, opened in September 1975] did not recognize the unilateral declaration of independence of FRETILIN or regard the counter-declaration by UDT and DPODETI as having legal force, and he added that none of the political parties- which had all emerged in less than 18 month- had established the right to speak for all the people of Timor." (UNYB 1975, p. 858)</p>
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35. Namibian War 1975-1988

Key data

Duration: 17.10.1975 – 13.12.1988; Parties: South Africa v SWAPO rebels of Namibia; Initiator: South Africa.

560 South Africa

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	2 maintenance of law and order	<p>“As a result of the ominous build-up of SWAPO forces in southern Angola and the extensive campaign of intimidation of the local inhabitants and the murder of political leaders in South West Africa, as well as the large number of border violations during the past few weeks, a limited military operation against SWAPO forces has been carried out over the border. (...) But the South African Government can no longer allow, with self-respect, emergency calls from peaceful leaders to remain unanswered. We have a moral duty towards the people of South West Africa and cannot sit silently and with folded hands and see how peaceful citizens and leaders of this remote area are murdered, assaulted, kidnapped and threatened and intimidated by other methods of terrorism. I have in the past while repeatedly expressed the hope that military bases will not be made available to terrorists in southern Angola, but this apparently has fallen on deaf ears.” (P. W. Botha, South Africa Minister of Defence, S/12697, 6 May 1978)</p> <p>“It should be emphasized that SWAPO has not only proceeded with its preconceived programme of terror following South Africa's acceptance of the proposals, but it has expanded and intensified its violence on a broad front. SWAPO's response to our acceptance of the proposals for a peaceful settlement has been to commit more violence. Indeed, SWAPO prides itself on continuing and expanding its attacks. (...) The people of the Territory are entitled to now embark upon and conclude the process which will lead to independence. In the meanwhile, South Africa cannot shirk its duty to provide the necessary protection to the people of the Territory. Without that protection they will be totally vulnerable and they will be the prey of ruthless repression through physical violence.” (R. F. Botha, South Africa Minister of Foreign Affairs, S/12697, 6 May 1978)</p> <p>“SWAPO launches an attack in force on an installation well inside South West Africa. This in spite of the low profile deliberately adopted by the South African Security Forces during the recent months of intensive final negotiations; this despite the fact that there has been no provocation on the part of the South African Security Forces. On the contrary, it has been SWAPO that has</p>

		<p>constantly displayed bad faith during two years of negotiation by launching provocative attacks in South West Africa by stealth, and killing innocent civilians by assassination, mines and other subversive means. I wish to alert you to this device and also to sound a warning that South Africa cannot and will not be circumscribed by these political or any other considerations in the actions she may deem necessary to protect life and property and secure the safety of the country. (...) While the South African Government has sought a peaceful solution assiduous, SWAPO has continued its acts of violence incessantly. Whatever differences of opinion there might be as regards the interpretation of words and agreements, there can be no doubt as to the conclusions to be drawn from the acts of violence which SWAPO arrogantly persists in committing.” (Letter of the Minister of Foreign Affairs of South Africa addressed to the Secretary General, S/13083, 14 February 1979)</p> <p>“Recently, and particularly following South Africa's acceptance of the Western proposals for an internationally recognized solution in South West Africa, the intensity of acts of violence and the frequency of border violations by terrorists had increased dangerously. (...) The action then taken had limited objectives and was carried out with limited forces including black and white South West Africans. (...) An urgent appeal is made to the international community to insist that SWAPO immediately cease further acts of violence against the Territory and the people of South West Africa. SWAPO cannot follow a dual strategy, i.e. to appear to be negotiating and at the same time delaying their reply and continuing brutal acts of violence and terror against the people whom they claim to represent.” (Message of South African Government, S/12697, 4 May 1978)</p>
5.2	5 humanitarian	<i>see South Africa 5.1 – maintenance of law and order</i>
5.3	6 defence against ideology	<p>“South West Africa together with Angola would provide the USSR with a solid block along the West Coast of Central and Southern Africa enabling it to be used at will to the detriment of Southern Africa and the free world. It would for example control South West Africa’s mineral resources including its uranium (...). RSA contributed to South West Africa’s development in the form of special subsidies, loans for electrical supply, building of main roads, the sum of not less than R637 million. This amount does not include the more or less R200 million we are spending annually on our peace-keeping forces to maintain the security and peace in South West Africa against Marxist insurgency. Let me be quite candid with you, an independent South West Africa with a responsible Government will have to take cognizance of these facts. An irresponsible government motivated by Marxist theories, can only destroy South West Africa and its infrastructure in the same way it brought chaos, hunger, lacks of health services upon and destroyed potential economic growth in Angola and Mozambique. (...) Let me advise you, we have a practical vision for Southern Africa. We believe in a community of free nations in Southern Africa—where proper health services, training of people, higher standards of living, proper housing of families, opportunities for work and economic progress will be possible. Our neighboring states in Southern Africa need technological scientific and other forms of assistance. They need capital for sound development. They do not need terrorists who exploit their territories. The Republic of South Africa is capable of contributing its proper share in a positive way. My advice is—stop shouting at us; stop creating stumbling blocks in our way.” (“Statement by South African Prime Minister P.W. Botha Regarding Talks with the Western Five (excerpts),” 19 October 1978, History and Public Policy Program Digital Archive, Included in "Southern Africa in the Cold War, Post-1974," edited by Sue Onslow and Anna-Mart Van Wyk http://digitalarchive.wilsoncenter.org/document/118229 (accessed on 22 June 2022))</p>

		<p>It is my Government's understanding, based on my discussions with you, that the United States and South Africa share a goal in respect of South West Africa/Namibia, specifically, the achievement of internationally recognized independence for that territory, under a government which does not subscribe to Marxist-Leninist doctrines and which does not pose a security threat to neighboring countries. It is our understanding, moreover, that both the United States Government and the South African Government recognize that this joint goal can only be achieved within the ambit of stabilization of the Southern African region and the exclusion of Soviet and Soviet-surrogate forces. ("Letter from South African Minister of Foreign Affairs R.F. Botha to US Secretary of State A.M. Haig Jr.," 19 May 1981, History and Public Policy Program Digital Archive, Included in "Southern Africa in the Cold War, Post-1974," edited by Sue Onslow and Anna-Mart Van Wyk. http://digitalarchive.wilsoncenter.org/document/118260 (accessed on 22 June 2022))</p> <p>"As long as there is a National Party Government, we won't hand over South-West Africa to the authority of Swapo. (...) We are independent and that is why we won't allow the United States, Great Britain, Germany and France to tell us what to do." (...) He added that South Africa would not stand in the way of independence for Namibia but said, "People there don't want to be handed over at the point of a gun to Communism." (Speech of Prime Minister P.W. Botha in: "Botha vows Rebels Won't Get Namibia", The New York Times, 29.04.1981, p.3, https://timesmachine.nytimes.com/timesmachine/1981/04/29/issue.html (accessed on 22 June 2022))</p>
5.4	3 maintenance of regional stability	<i>see South Africa 5.3 - defence against ideology</i>

	Code	Material
6. UNSC Reaction	2 disapproves	<p>UN Security Council Resolution S/RES 276, 30 January 1970:</p> <p><i>"The Security Council Reaffirming the inalienable right of the people of Namibia to freedom and independence recognized in General Assembly resolution 1514 (XV) of 14 December 1960; Reaffirming Security Council resolution 264 (1969) of 20 March 1969 in which the Council recognized the termination of the Mandate and called upon the Government of South Africa to withdraw immediately its administration from the Territory, (...) 1. Strongly condemns the refusal of the Government of South Africa to comply with the resolutions of the General Assembly and Security Council pertaining to Namibia; 2. Declares that the continued presence of the South African authorities in Namibia is illegal and that consequently all acts taken by the Government of South Africa on behalf of or concerning Namibia after the termination of the Mandate are illegal and invalid; 3. Declares further that the defiant attitude of the Government of South Africa towards the Council's decisions undermines the authority of the United Nations; 4. Considers that the continued occupation of Namibia by the Government of South Africa in defiance of the relevant United Nations resolutions and of the Charter of the United Nations has grave consequences for the rights and interests of the people of Namibia (...)"</i></p> <p>UN Security Council Resolution S/RES 366, 17 December 1974:</p>

		<p>“Concerned at South Africa's continued illegal occupation of Namibia and its persistent refusal to comply with the resolutions and decisions of the General Assembly and the Security Council, as well as with the advisory opinion of the International Court of Justice, Gravely concerned at South Africa's brutal repression of the Namibian people and its persistent violation of their human rights, as well as its efforts to destroy the national unity and territorial integrity of Namibia and its aggressive military build-up in the area, 1. Condemns the continued illegal occupation of the Territory of Namibia by South Africa; 2. Condemns the illegal and arbitrary application by South Africa of racially discriminatory and repressive laws and practices in Namibia (...)”</p> <p>UN Security Council Resolution S/RES 385, 30 January 1976</p> <p><i>“Concerned at South Africa's continued illegal occupation of Namibia and its persistent refusal to comply with the resolutions and decisions of the General Assembly and the Security Council, as well as with the advisory opinion of the International Court of Justice,</i></p> <p><i>Gravely concerned</i> at South Africa's brutal repression of the Namibian people and its persistent violation of their human rights, as well as its efforts to destroy the national unity and territorial integrity of Namibia and its aggressive military build-up in the area, <i>Strongly deploring</i> the militarization of Namibia by the illegal occupation regime of South Africa, 1. Condemns the continued illegal occupation of the Territory of Namibia by South Africa; 2. Condemns the continued illegal and arbitrary application by South Africa of racially discriminatory and oppressive laws and practices in Namibia; 3. Condemns the South African military build-up in Namibia and any utilization of the Territory as a base for attacks on neighbouring countries; 4. Demands that South Africa put an end forthwith to its policy of bantustans and the so-called homelands aimed at violating the national unity and the territorial integrity of Namibia; 5. Further condemns South Africa's failure to comply with the terms of Security Council resolution 366 (1974); 6. Further condemns all attempts by South Africa calculated to evade the clear demand of the United Nations for the holding of free elections under United Nations supervision and control in Namibia;</p> <p>UN Security Council Resolution, S/RES 435, 28 September 1978:</p> <p>“2. Reiterates that its objective is the withdrawal of South Africa’s illegal administration from Namibia and the transfer of power to the people of Namibia with the assistance of the UN (...) 6. Declares that all unilateral measures taken by the illegal administration in Namibia in relation to the electoral process (...) are null and void.”</p>
7. UNGA Reaction	2 disapproves	<p>General Assembly Resolution 3111 (XXVIII), 12 December 1973:</p> <p>„The General Assembly (...) 3. Strongly condemns South Africa for its persistent refusal to withdraw from the international Territory of Namibia and for its efforts to consolidate its illegal occupation by intensified repression and by the imposition of its policies of apartheid and the fragmentation of the Territory into “Bantustans” in total disregard of the wishes of the people of Namibia, the decisions and resolutions of the United Nations and the advisory opinion of the International Court of Justice of 21 June 1971; 4.</p>

	<p>Demands the immediate withdrawal by South Africa of all its military and police forces and its administration from Namibia so as to enable the Namibian people to achieve freedom and independence”</p> <p>UNGA Resolution 3399 (XXX), 26 November 1975:</p> <p>“The General Assembly (...) 5. Strongly condemns South Africa for its persistent refusal to withdraw from Namibia and for its manoeuvres to consolidate its illegal occupation by organizing a so called constitutional conference with a view to creating divisions among ethnic groups and furthering its policies of bantustanization 6. Strongly condemns the military build-up by South Africa in Namibia and the forceful removal of Namibians from the Northern border for military purposes”.</p> <p>UNGA Resolution A/RES 31/146, 20 December 1976:</p> <p>“The General Assembly (...) Strongly condemning the support which the illegal South African administration continues to receive from (...) in the further entrenchment of its illegal and racist domination over the international territory of Namibia.”</p> <p>UN General Assembly, Declaration on Namibia and Programme of Action in Support of Self-Determination and National Independence, 3 May 1978, UN Doc S-9/2</p> <p>“3. The General Assembly stresses its commitment to end South Africa’s illegal occupation of Namibia by ensuring its complete and unconditioned withdrawal to enable the Namibian People, under the leadership of the South West Africa People’s organization, to exercise freely their right to self-determination and independence 4. The General Assembly strongly condemns the colonialist and racist regime of South Africa for its continued illegal occupation of Namibia in defiance of repeated demands by the Assembly and the Security Council for its withdrawal from the Territory and further condemns South Africa for its attempts to perpetuate its illegal occupation of Namibia and for its escalated brutal repression of the Namibian people. (...) 12. The General Assembly reiterates that South Africa’s illegal occupation of Namibia constitutes a continued act of aggression against the Namibian people and against the United Nations. “</p> <p>General Assembly Resolution, A/RES/33/206, 31 May 1979:</p> <p>“<i>Indignant</i> at South Africa's persistent refusal to withdraw from Namibia in utter defiance of numerous resolutions of the United Nations and gravely concerned at South Africa's escalated brutal repression of the Namibian people as well as the measures it has taken to destroy the national unity and territorial integrity of Namibia, 4. <i>Strongly condemns</i> the racist régime of South Africa for its arrogant and defiant actions in imposing on the Namibian people a so-called internal settlement through a fraudulent and illegal "national assembly" designed to achieve international recognition for its puppets therein in order to perpetuate South Africa's illegal occupation and its colonial and racist exploitation of Namibia; 7. <i>Strongly condemns</i> South Africa for its escalated arrests and</p>
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		<p>detentions of leaders and members of the South West Africa People's Organization, and other acts of violence against the Namibian people, as part of its attempts to frustrate the aspirations of the Namibian people for genuine national liberation, to destroy the South West Africa People's Organization and to impose a so-called internal settlement in Namibia; 8. <i>Demands</i> that the racist regime of South Africa immediately and unconditionally release all leaders and members of the South West Africa People's Organization and cease all violence against the Namibian people; 10. <i>Solemnly declares</i> that South Africa's illegal occupation of the Territory of Namibia, its consistent defiance of the United Nations, its war of repression being waged against Namibians, its persistent acts of aggression launched from bases in Namibia against independent African countries, its colonialist expansion and its policy of apartheid constitute a serious threat to international peace and security; 11. <i>Demands once again</i> the immediate and unconditional end of the illegal occupation of Namibia by South Africa; 12. <i>Calls upon</i> the Security Council to convene urgently to take enforcement measures against South Africa, as provided for under Chapter VII of the Charter in order to ensure South Africa's compliance with the resolutions and decisions of the United Nations on Namibia.</p> <p>President of the UN Council for Namibia, UN Doc S/13158, 9 March 1979</p> <p>"The United Nations Council for Namibia has learned with grave concern and utmost indignation that on 5 March 1979 troops of the racist regime of South Africa operating from its illegal military bases in Namibia invaded the People's Republic of Angola and attacked Namibian refugee camps. This attack included the use of military aircraft and infantry units. This act of aggression against Angola and the people of Namibia with the use of modern weapons of mass destruction is the latest premeditated major assault committed by South Africa against independent States in southern Africa, aggravating the situation in Namibia and posing a serious threat to international peace and security. The Council draws the attention of the international community to the fact that this aggression is yet another indication of South Africa's intention to perpetuate its control of Namibia. The invasion of Angola and the attack against Namibia refugee camps clearly indicates South Africa's goal of destroying SWAPO liberation movement leading, the Namibian people in their effort to attain genuine self-determination and independence in a united Namibia. The Council for Namibia furthermore alerts the international community to the continuous attempts of South Africa to install in Namibia, through manoeuvres, a puppet regime formed by tribal elements and racist supporters of apartheid, already assembled by the electoral arrangements of December 1978. These arrangements have led to the appointment of the so-called Constituent Assembly, declared null and void by Security Council resolution 439 (1978). The Council strongly condemns this aggression by South Africa against Angola and against the people of Namibia. It calls upon the Security Council in conformity with its resolutions 182 A and B (1963) to consider appropriate measures in conformity with Chapter VII of the Charter of the United Nations. The Council reiterates its unreserved support for the people of Namibia under the leadership of SWAPO in their struggle for self-determination, freedom and national independence in a united Namibia."</p>
8. ICJ Reaction	2 disapproves	<p>Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa), Advisory Opinion, I.C.J. Reports 1971, p. 16, para 133</p> <p>"For these reasons, the Court is of the Opinion that in reply to the question: "What are the legal consequences for States of the continued presence of South Africa in Namibia, notwithstanding Security Council resolution 276 (1970)?" (1) that, the continued</p>

		<p>presence of South Africa in Namibia being illegal, South Africa is under obligation to withdraw its administration from Namibia immediately and thus put an end to its occupation of the Territory ; (2) that States Members of the United Nations are under obligation to recognize the illegality of South Africa's presence in Namibia and the invalidity of its acts on behalf of or concerning Namibia, and to refrain from any acts and in particular any dealings with the Government of South Africa implying recognition of the legality of, or lending support or assistance to, such presence and administration; (3) that it is incumbent upon States which are not Members of the United Nations to give assistance, within the scope of subparagraph (2) above, in the action which has been taken by the United Nations with regard to Namibia.”</p>
<p>9. State Reaction</p>	<p>2 disapproves</p>	<p>Approving</p> <p>Several States: “A number of speakers said they could not recognize any action by South Africa which compromised the unity and territorial integrity of Namibia.” (UNYB 1977, p. 900)</p> <p>Disapproving</p> <p>United States: “South Africa illegally occupies Namibia, formerly South-West Africa, in violation of UN mandates and international law” (“South Africa Still Occupies Namibia Illegally”, The New York Times, 12.05.1987, p. 30, https://timesmachine.nytimes.com/timesmachine/1987/05/12/997287.html?pageNumber=30 (accessed on 22 June 2022))</p> <p>Cuba: “South Africa’s intention to retain control of the territory was also evidenced by its increased military build-up along the Angolan border and its use of the territory as a base for aggression against neighboring African States.” (UNYB 1977, p. 900)</p> <p>Cuba and the United Republic of Tanzania: “The representatives of Cuba and the United Republic of Tanzania said that South Africa's intention to retain control of the territory was also evidenced by its increased military build-up along the Angolan border and its use of the territory as a base for aggression against neighbouring African States.” (UNYB 1977, p. 900)</p> <p>India: “[India's] Government would support a mandatory arms embargo against South Africa and any other measures in accordance with the Charter which would exert pressure on South Africa to hand over the territory to the UN and withdraw peacefully” (UNYB 1977, p. 901)</p>

		<p>Afgahnistan, China, Norway: “[They] urged the Special Committee to recommend to UNSC that it impose mandatory sanctions against South Africa under Chapter VII of the Charter.” (UNYB 1977, p. 901)</p> <p>Several States “During the discussion in the General Assembly, Members deplored South Africa's continuing defiance of the authority of the United Nations. It had not only maintained its illegal occupation of the territory, they noted, but had further increased its military presence and had proceeded further with the creation of bantustans and the application of apartheid.” (GA Discussion, UNYB 1977, p. 90)</p> <p>Afghanistan, Barbados, the Comoros, Equatorial Guinea, Iraq, Kenya, Norway: “[They] shared the view that further action by UNSC, particularly the imposition of a mandatory arms embargo under Chapter VII of the Charter, would be required before South Africa would finally comply with resolution 385” (UNYB 1977, p. 906)</p> <p>Botswana, Finland, Greece, Morocco and Yugoslavia and others: “[They] called for the withdrawal of South African troops, release of political prisoners, elections for the whole of Namibia as one political entity under United Nations supervision and control, recognition of the territorial integrity of Namibia including Walvis Bay, and an end to all discriminatory legislation.” (UNYB 1977, p. 906)</p>
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SWAPO Rebels of Namibia (South West African People’s Organisation)

Code	
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	

7 Self determination	4 no spec.	2 No	1 Yes	2 No	1 Yes	2 No	<p>“The West’s latest attempts to talk to South Africa cannot be seen otherwise than the continuation of this alliance to legalize South Africa’s presence in Namibia to try and lessen the international pressure on South Africa, to try and thwart SWAPO’s attempts to effect genuine independence for Namibia. (...)</p> <p>If South Africa does not want to leave Namibia peacefully, SWAPO, and thus the Namibian people, will intensify the struggle at all levels to overthrow the SA regime or any other regime installed against the will of the Namibian people. SWAPO reserves the right to call from support from all peace- and freedom-loving people of the world. It should be clear to all that the inalienable right of the Namibian people for independence is not negotiable at all.” (“SWAPO Press Statement, Delivered by D.T. Tjongarero at an Impromptu Press Conference in Windhoek,” 18 June 1977, History and Public Policy Program Digital Archive, SWAPO Department of Information, Included in "Southern Africa in the Cold War, Post-1974," edited by Sue Onslow and Anna-Mart Van Wyk. http://digitalarchive.wilsoncenter.org/document/118216 (accessed on 22 June 2022))</p> <p>“In short, no genuine attempt can be made by imperialists to free Namibia. It is clear that no real independence can be gained plain sailinly. Countries like Malawi, Zambia, Zaire have only false independence symbolized by f1ags. Their economies are ran by their former colonizers. We must abide to our decision to fight even for 10 to 20 years if need be. Who is not determined should go and join the Turnhalle.” (Commander Ndali Che Kamati, S/12697, 14 February 1978)</p> <p>“SWAPO will persevere and intensify the armed liberation struggle”. (SWAPO President Sam Nujoma, S/12697, 3 May 1978)</p> <p>“The most important statement points are as follows: Sam Nujoma thanked on behalf of Peoples Liberation Army and CC SWAPO fighters and commanders for the military and material help rendered by BCP and PR of Bulgaria. He said that without the help coming from the socialist countries SWAPO would not be in a position to successfully carry out the armed struggle against South African occupation forces. - The struggle for independence of Namibia comes to its decisive phase. Nevertheless the severe repression Namibian people has risen to a total war against the racist invaders.” (SWAPO President Sam Nujoma, 22 October 1983, http://digitalarchive.wilsoncenter.org/document/114379 (accessed on 22 June 2022))</p> <p>“Unite all Namibian people, particularly the working class, the peasantry and progressive intellectuals into a vanguard party capable of safeguarding national independence and of building a classless, non-exploitative society based on the ideals and principles of scientific socialism”. (Constitution of SWAPO and Political Programme of SWAPO, quoted from Vigne, SWAPO of Namibia: A Movement in Exile, Third World Quaterly, 1987, pp. 85-107)</p>
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Letter sent in accordance with Art. 51 UNCh	0 – not applicable
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<p>UN Security Council Resolution S/RES 276, 30 January 1970: <i>“The Security Council Reaffirming the inalienable right of the people of Namibia to freedom and independence recognized in General Assembly resolution 1514 (XV) of 14 December 1960 (...)”.</i></p> <p>UN Security Council Resolution S/RES 435, 29 September 1978 <i>“4. Welcomes the preparedness of the SWAPO to co-operate in the implementation of the Secretary-General’s report, including its expressed readiness to sign and observe the cease-fire provisions as manifested in the letter from its president of 8 September 1978”.</i></p>
7. UNGA Reaction	1 approves	<p>UNGA Resolution 3111 (XXVIII), 12 December 1973</p> <p>The General Assembly 1. Reaffirms the inalienable and imprescriptible right of the people of Namibia to self-determination and independence (...) and the legitimacy of their struggle by all means against the illegal occupation of their country by South Africa</p>

		<p>2. Recognizes that the national liberation movement of Namibia, the SWAPO, is the authentic representative of the Namibian people and supports the efforts of the movement to strengthen national unity”</p> <p>UNGA, Declaration on Namibia and Programme of Action in Support of Self-Determination and National Independence, 3 May 1978, UN Doc S-9/2</p> <p>“3. The General Assembly stresses its commitment to end South Africa’s illegal occupation of Namibia by ensuring its complete and unconditioned withdrawal to enable the Namibian People, under the leadership of the South West Africa People’s organization, to exercise freely their right to self-determination and independence.”</p> <p>UNGA Resolution A/RES/33/206, 31 May 1979</p> <p>“Strongly reiterating its support for the national liberation movement of Namibia, the South West Africa People's Organization, the sole and authentic representative of the Namibian people in their struggle by all means, including armed struggle, to achieve self-determination, freedom and national independence in a united Namibia (...) 6. <i>Solemnly reaffirms</i> that a just and durable settlement of the question of Namibia is possible only with the direct and full participation of the South West Africa People's Organization, the sole and authentic representative of the Namibian people, and that the parties to the conflict in Namibia are, on the one hand, South Africa, which is illegally occupying the Territory and committing aggression against the people, and, on the other, the Namibian people, under the leadership of the South West Africa People's Organization, supported by the United Nations, which has direct responsibility for the Territory until independence; (...)”</p>
8. ICJ Reaction	2 unclear	<p><i>### ICJ declares the occupation for illegal; however, it keeps silent on the legality of the use of force of the SWAPO rebels ###</i></p> <p>Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa), Advisory Opinion, I.C.J. Reports 1971, p. 16, para 133 <i>see South Africa 8</i></p>
9. State Reaction	3 unclear	<p>Approving</p> <p>China: “The Namibian people's struggle for independence and liberation was a component part of the world peoples' current struggles against imperialism, colonialism and hegemonism.” (UNYB 1977, p. 900)</p> <p>Canada, Federal Republic of Germany, France, United Kingdom, United States: “The representative of Canada (...) described the efforts of the five Governments, as members of the Security Council, to help bring about the independence of Namibia. The five Governments, he said, were aware of the need to implement the Security Council’s resolution of 30 January 1976, which “ (...) constitut[ed] a comprehensive plan of action to achieve .. full independence of Namibia” (UNYB 1977, p. 906)</p>

		<p>Cuba and Viet Nam: “Cuba and Viet Nam maintained that, in view of the clandestine support South Africa was receiving from capitalist countries, the only way of compelling it to withdraw from Namibia was for SWAPO to intensify the armed struggle.” (UNYB 1977, p. 906)</p> <p>Disapproving</p> <p>South Africa: “This is yet another shocking illustration of the lengths to which SWAPO will go in its attempts to subvert the people of South West Africa to its cause. This reprehensible and inexcusable violence against innocent civilians cannot but be condemned.” (Letter of the Charge D’Affairs A.I. of the Permanent Mission of South Africa to the UN addressed to the Secretary General, S/12324, 29 April 1977)</p> <p>Norway: “In Norway's view, a violent liberation of Namibia could only exact an appalling toll in lives, inflict terrible physical and moral damage upon all parties, poison relations among races in Namibia for decades, and possibly encourage unwanted intervention by outside powers.” (UNYB 1977, p. 900)</p>
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36. Western Sahara War 1975-1983

Key data

Duration: 11.12.1975 – 23.12.1983; Parties: Mauritania, Morocco vs. Algeria, Polisario rebels; Initiator: Polisario rebels.

Polisario rebels (*Frente para la Liberación Saguia el-Hamra y Río de Oro*)

Code	
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
7 self-determination	4 no spec.	2 No	1 Yes	2 No	1 Yes	2 No	<p>1.4. and 1.6. Contestation about interpretation and about general/abstract scope ### Polisario declared Western Sahara to be independent and is fighting for self-determination in the context of decolonization ###</p> <p>“On 27 February 1976 the Polisario Front (Frente para la Liberación Saguia el-Hamra y Río de Oro) proclaimed a Sahrawi Arab Democratic Republic—recognized by the OAU/AU and a number of African States—and started a guerrilla war against Morocco.” (Vernet, Decolonization Spanish Territories, MPEPIL, para.59)</p>

						<p>“Increasingly bitter fighting has left Morocco in control of the main urban areas, but the Polisario Front's guerrillas, backed by Algeria and Libya, appear to move freely in the vast, sparsely populated desert regions. Spain withdrew from the territory, then called the Spanish Sahara, on Feb. 26, 1976, ceding the land to Morocco and Mauritania. The next day the Polisario Front declared the 103,000-square-mile region independent.” (“No end in sight to struggle over Western Sahara”, The New York Times, 01.03.1981, p. 20, https://timesmachine.nytimes.com/timesmachine/1981/03/01/issue.html (accessed on 8 July 2022))</p> <p>“On 11 November 1976, the General Assembly's Fourth Committee heard a statement by a representative of the Frente POLISARIO, Mohamed Abdelaziz, who spoke as a petitioner. The POLISARIO representative reviewed the events of 1975 and said the tripartite Madrid agreement concluded in November 1975 was illegal and invalid because a fait accompli had been imposed upon the people depriving them of their legitimate rights to self-determination. He described the struggle for independence, which, with the support of the Saharan people, his movement was waging against the Moroccan and Mauritanian occupying forces. The POLISARIO representative urged that the General Assembly: reaffirm the right of the Saharan people to self-determination and independence which had been prevented by the presence of aggressive troops; vigorously condemn the Moroccan/ Mauritanian aggression and urge the two Governments to withdraw their challenge to the international community and its laws under pain of severe penalties; and recall the duty of Member States to support countries which had been attacked and peoples fighting for their independence and urge them to refrain from all direct or indirect aid to the aggressors.” (UNYB 1975, p.739)</p> <p>“POLISARIO (...) asked the United Nations to assume its responsibilities towards Western Sahara by condemning the aggression of Mauritania and Morocco and by reaffirming the right of the Saharan people to self-determination.” (UNYB. 1977 p.881)</p> <p>“The representative of POLISARIO said that the question of Western Sahara was exclusively one of decolonization. After more than three years of murderous warfare imposed on the Sahraoui people by Moroccan and Mauritanian troops, Morocco was currently recalling deeds of war and mentioning forces which it refused to name but which it knew were the fighters of POLISARIO. Its request for a Security Council meeting was in part to distract Moroccan public opinion from the tragic war. The Frente POLISARIO was ready to meet with Morocco and Mauritania in an attempt to find a political solution. Its readiness was matched only by the determination of its people to</p>
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							<p>continue the struggle of legitimate self- defence as long as Morocco persisted in its aggression and occupation.” (UNYB 1979, p.1047)</p> <p>“On 23 and 24 October the Committee heard a statement by a representative of POLISARIO, Tinguiri Mansour Omar. Reviewing events in Western Sahara, he said that the signing of a peace agreement with Mauritania represented an effective contribution to peace and the restoration of stability. His organization, however, would intensify its fight against Morocco if that country continued its military escalation. He reaffirmed that POLISARIO favoured co-operation with the United Nations to find a solution that would guarantee and respect the right of the Saharan people to independence.” (UNYB. 1979, p. 1047)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	### The UNSC did not explicitly react to Polisario’s actions, but reacted to the overall conflict and requested the parties to the conflict to enter into consultations in order to solve the conflict ###

		<p>UNSC Res 377, 22 October 1975 “1. (...) requests the Secretary-General to enter into immediate consultations with the parties concerned and interested and to report to the Security Council as soon as possible on the results of his consultations in order to enable the Council to adopt the appropriate measures to deal with the present situation concerning Western Sahara”</p> <p>UNSC Res 379, 2 November 1975 “1. Urges all parties concerned and interested to avoid any unilateral or other action which might further escalate the tension in the area”</p> <p>UNSC Res 380, 6 November 1975 “Noting with grave concern that the situation concerning Western Sahara has seriously deteriorated, Noting with regret that despite its resolutions 377((1975) and 379(1975) as well as the appeal made by the President of the Security Council, under its authorization, to the King of Morocco with an urgent request to put an end forthwith to the declared march on Western Sahara, the said march has taken place; 1. Deplores the holding of the march; 2. Calls upon Morocco immediately to withdraw from the Territory of Western Sahara all the participants in the march”</p> <p>1983: No decision by the Security Council “The Secretary-General reported to the [General] Assembly that no decision had been reached on the United Nations role in the conduct of the referendum. Morocco opposed a role for the Organization and also objected to a decision by OAU to seat at one of its meetings in February the Saharan Arab Democratic Republic, established in 1976 and backed by POLISARIO.” (UNYB 1983, p. 1350)</p> <p><i>### The following statements have been made after the war ###</i></p> <p>UNSC Res 621, 20 September 1988 “Taking note of the agreement in principle given by the Kingdom of Morocco and the Frente Popular para la Liberacion de Saguia el-Hamra y de Rio de Oro on 30 August 1988 to the joint proposals of the Secretary-General and the current Chairman of the Organization of African Unity, 1. Decides to authorise the Secretary-General to appoint a special representative for Western Sahara; 2. Requests the Secretary-General to transmit to it as soon as possible a report on the holding of a referendum for self-determination of the people of Western Sahara and on ways and means to ensure the organization and supervision of such a referendum by the United Nations in co-operation with the Organization of African Unity”</p> <p>UNSC Res 658, 27 June 1990 “2. Approves the report of the Secretary-General transmitted to the Council in accordance with resolution 621(1988) with a view to settling the question of Western Sahara, which contains the full text of the settlement proposal accepted by the two parties on 30 August 1988 as well as an outline of the plan provided by the Secretary-General in order to implement those proposals”</p>
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		<p>UNSC Res 690, 29 April 1991 “4. Decides to establish, under its authority, a United Nations Mission for the Referendum in Western Sahara in accordance with the report of 19 April 1991”</p>
<p>7. UNGA Reaction</p>	<p>3 unclear</p>	<p>### <i>The UNGA reaffirms the right of the people of Western Sahara to self-determination and it urges the parties to find a solution for the conflict, however, no explicit statement regarding Polisario’s actions can be find</i> ###</p> <p>### <i>The following statements have been made prior to the conflict</i> ###</p> <p>UNGA Res 2072(XX), 16 December 1965 (Yes: 100 No: 2 Abstentions: 4 Non-Voting: 11 Total voting membership: 117) “2. <i>Urgently requests</i> the Government of Spain, as the administering Power, to take immediately all necessary measures for the liberation of the Territories of Ifni and Spanish Sahara from colonial domination and, to this end, the enter into negotiations on the problems relating to sovereignty presented by these two Territories;”</p> <p>UNGA Res 2229(XXI), 20 December 1966 (Yes: 105 No: 2 Abstentions: 8 Non-Voting: 7 Total voting membership: 122) “1. <i>Reaffirms</i> the inalienable right of the peoples of Ifni and Spanish Sahara [today Western Sahara] to self-determination in accordance with General Assembly resolution 1514(XV); 3. <i>Requests</i> the administering Power to take immediately the necessary steps to accelerate the decolonization of Ifni and to determine with the Government of Morocco, bearing in mind the aspirations of the indigenous population, procedures for the transfer of powers in accordance with the provisions of General Assembly resolution 1514(XV); 4. <i>Invites</i> the administering Power to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of Spanish Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination (...)”</p> <p>UNGA Res 3293, 13 December 1974 (Yes: 124 No: Abstentions: 3 Non-Voting: 11 Total voting membership: 138) “<i>Reaffirming</i> the right of the population of the Spanish Sahara to self-determination in accordance with resolution 1514(XV)” “1. <i>Decides</i> to request the International Court of Justice, without prejudice to the application of the principles embodied in General Assembly resolution 1514 (XV), to give an advisory opinion at an early date on the following questions: Was Western Sahara (Rio de Oro and Sakiet El Hamra) at the time of colonization by Spain a territory belonging to no one (terra nullius)? (If the answer to the first question is in the negative): What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?”</p> <p>### <i>The following statements have been made during the conflict</i> ###</p> <p>UNGA Res 31/45, 1 December 1976 (ADOPTED WITHOUT VOTE) “2. Takes note of the decision taken by the Assembly of Heads of State and Government of the Organization of African Unity to convene an extraordinary session with a view to finding a just and lasting solution to the problem of Western Sahara”</p> <p>UNGA Res 32/22, 28 November 1977 (ADOPTED WITHOUT VOTE)</p>

	<p>“2. <i>Expresses the hope</i> that a just and lasting solution to the problem of Western Sahara will be speedily achieved, in accordance with the principles of the Charter of the United Nations, at the extraordinary session of the Organization of African Unity devoted to this question, to be held shortly in accordance with the decisions taken at the 13th and 14th ordinary sessions of the Assembly of Heads of State and Government of the Organization of African Unity.”</p> <p>UNGA Res 33/31, 13 December 1987 (Yes: 90 No: 10 Abstentions: 39 Non-Voting: 11 Total voting membership: 150) <i>“Recalling</i> the advisory opinion delivered by the International Court of Justice on 16 October 1975 on the question of Western Sahara (...) <i>Bearing in mind</i> the profound concern of the United Nations, the Organization of African Unity and the non-aligned countries regarding the decolonization of Western Sahara and the right of the people of that Territory to self-determination. 2. <i>Reaffirms</i> the inalienable right of the people of Western Sahara to self-determination and independence”</p> <p>UNGA Res 34/37, 21 November 1979 (Yes: 85 No: 6 Abstentions: 41 Non-Voting: 20 Total voting membership: 152) <i>“2. Takes note with satisfaction</i> of the decision concerning Western Sahara taken by the Assembly of Heads of State and Government of the Organization of African Unity at its sixteenth ordinary session” 3. <i>Also takes not with satisfaction</i> of the part of the Political Declaration adopted by the Sixth Conference of Heads of State or Government of Non-Aligned Countries to Western Sahara; 4. <i>Welcomes</i> the peace agreement concluded between Mauritania and the Frente Popular para la Liberation de Saguia el-Hamra y de Rio de Oro and considers that this agreement constitutes an important contribution to the process of achieving peace and a definitive, just and lasting settlement of the question of Western Sahara; 5. <i>Deeply deplores</i> the aggravation of the situation resulting from the continued occupation of Western Sahara by Morocco and the extension of that occupation to the territory recently evacuated by Mauritania; 6. <i>Urges</i> Morocco to join in the peace process and to terminate the occupation of the Territory of Western Sahara; 7. <i>Recommends</i> to that end that the Frente Popular para la Liberation de Saguia el-Hamra y de Rio de Oro, the representative of the people of Western Sahara, should participate fully in any search for a just, lasting and definitive political solution of the question of Western Sahara, in accordance with the resolutions and declarations of the United Nations, the Organization of African Unity and the non-aligned countries”</p> <p>UNGA Res 35/19, 11 November 1980 (Yes: 88 No: 8 Abstentions: 43 Non-Voting: 15 Total voting membership: 154) <i>“2. Deeply deplores</i> the fact that its resolution 34/37, in which are set forth the ways and means for a just and definitive political solution of the question of Western Sahara, has not been implemented; 9. <i>Reiterates</i> the appeal contained in its resolution 34/37 whereby it urged Morocco to join in the peace process and to termination the occupation of the Territory of Western Sahara.”</p> <p>UNGA 38/40, 7 December 1983 (ADOPTED WITHOUT VOTE) <i>“2. Urges</i> the parties to the conflict, the Kingdom of Morocco and the POLISARIO Front, to undertake direct negotiations with a view to bringing about a cease-fire to create the necessary conditions for a peaceful and fair referendum for self-determination of the people of Western Sahara, a referendum without any administrative or military constraints, under the auspices of the Organization of African Unity and the United Nations (...); 4. <i>Requests</i> the United Nations, in conjunction with the Organization of African Unity, to provide a peace-keeping force to be stationed in Western Sahara to ensure peace and security during the</p>
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		organization and conduct of the referendum; 5. <i>Mandates</i> the Implementation Committee, with the participation of the United Nations, to take all necessary measures to ensure the proper implementation of this resolution”
8. ICJ Reaction	3 unclear	<p>ICJ Advisory Opinion (Western Sahara), I.C.J Reports 1975, p. 12 (Decision of the Court on October 16, 1975): <i>### The ICJ did not explicitly decide on Polisario’s actions. The Court dealt with the questions whether Western Sahara (Rio de Oro and Sakiet El Hamra) at the time of colonization by Spain, was a territory belonging to no one (terra nullius) and whether there were legal ties between Western Sahara and the Kingdom of Morocco and the Mauritanian entity are. The Court found that the territory of Western Sahara was not a territory belonging to no one (terra nullis). On the contrary, it accepted existence of historical legal ties between Saharan population and Morocco and Mauritania, but declared that they were not of such a nature as to override the Sahrawis’ rights to self-determination and independence. ###</i></p> <p>Para. 15: “The question submitted by the General Assembly have been framed in terms of law and raise problems of international law: whether a territory was terra <i>nullis</i> at the time of its colonization; what legal ties there were between that territory and the Kingdom of Morocco and the Mauritanian entity. These questions are by their very nature susceptible of a reply based on law [...]”</p> <p>Para. 50: “Mauritania maintains that the principle of self-determination cannot be dissociated from that of respect for national unity and territorial integrity;”</p> <p>Para. 51: “Algeria states that the self-determination of peoples is the fundamental principle governing decolonization, enshrined in Articles 1 and 55 of the Charter and in General Assembly resolution 1514 (XV); that, through successive resolutions with recommend that the population should be consulted as to its own future, the General Assembly has recognized the right of the people of Western Sahara to exercise free and genuine self-determination”</p> <p>Para. 61: “In 1966, in the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, Spain expressed itself in favour of the decolonization of Western Sahara through the exercise by the population of the territory of their right to self-determination. At that time this suggestion received the support of Mauritania and the assent of Morocco. As to Ifni, Spain suggested establishing contact with Morocco as a preliminary step. Morocco stated that the decolonization of Ifni should be brought into line with paragraph 6 of resolution 1514 (XV).”</p> <p>Para. 65: “All these resolutions from 1966 to 1973 were adopted in the face of reminders by Morocco and Mauritania of their respective claims that Western Sahara constituted an integral part of their territory. At the same time Morocco and Mauritania assented to the holding of a referendum. These States, among others, alleging that the recommendations of the General Assembly were being disregarded by Spain, emphasized the need for the referendum to be held in satisfactory conditions and under the supervision of the United Nations.”</p> <p>Para. 83: “The Court’s answer to Question 1 is, therefore, in the negative and, in accordance with the terms of the request, it will now turn to Question II.”</p> <p>Para. 85: “the words ‘legal ties’ (...) in the object and purpose of resolution 3292 (XXIX) of the UNGA ... must be understood as referring to such legal ties as may affect the policy to be followed in the decolonization of Western Sahara”</p> <p>Para. 85: “the ties in question [cannot] be limited to ties established directly with the territory and without reference to the people who may be found in it”</p>

		<p>Para. 87: “at the time of its colonization the territory had a sparse population that for the most part consisted of nomadic tribes the members of which traversed the desert on more or less regular routes, sometimes reaching as far as southern Morocco or regions of present-day Mauritania, Algeria or other States. These tribe were of the Islamic faith”</p> <p><i>### With regard to Morocco [regarding the Sherifian State] ###</i></p> <p>Para. 95: “the Shefifian State at the time of the Spanish colonization of Western Sahara was a State of a special character is certain. Its special character consisted in the fact that it was founded on the common religious bond of Islam and on the allegiance of various tribes to the Sultan, through their caids or sheikhs, rather than on the notion of territory. It consisted partly of what was called the Bled Makhzen, areas actually subject to the Sultan, and partly of what was called the Bled Siba, areas in which the tribes were not submissive to him; at the relevant period, the areas immediately to the north of Western Sahara lay within the Bled Siba.”</p> <p>Para. 107: “Thus, even taking account of the specific structure of the Sherifian State, the material so far examined does not establish any tie of territorial sovereignty between Western Sahara and that State. It does not show that Morocco displayed effective and exclusive State activity in Western Sahara. It does however provide indications that a legal tie of allegiance had existed at the relevant period between the Sultan and some, but only some, of the nomadic peoples of the territory.”</p> <p>Para. 162: “The materials and information presented to the Court show the existence, at the time of Spanish colonization, of legal ties of allegiance between the Sultan of Morocco and some of the tribes living in the territory of Western Sahara. They equally show the existence of rights, including some rights relating to the land, which constituted legal ties between the Mauritanian entity, as understood by the Court, and the territory of Western Sahara. On the other hand, the Court's conclusion is that the materials and information presented to [the Court] do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus, the Court has not found legal ties of such a nature as might affect the application of General Assembly resolution 1514 (XV) (containing the Declaration on the Granting of Independence to Colonial Countries and Peoples) in the decolonization of Western Sahara, and in particular, of the principle of the self-determination through the free and genuine expression of the will of the peoples of the territory”</p> <p>Para. 163: “with regard to Question I (...) that Western Sahara (Rio de Oro and Sakiet El Hamra) at the time of colonization by Spain was not a territory belonging to no-one (terra nullius) (...) with regard to Question II (...) there were legal ties between this territory and the Kingdom of Morocco of the kinds indicated in paragraph 162 of this Opinion; (...) that there were legal ties between this territory and the Mauritanian entity of the kinds indicated in paragraph 162 of this Opinion.”</p>
<p>9. State Reaction</p>	<p>3 unclear</p>	<p><i>### At the beginning of the war: little support for the Polisario government ###</i></p> <p>“Only nine African countries and North Korea have recognized the Polisario government, but Algeria makes up for this lack of international support by providing substantial amounts of money, arms, food and propaganda facilities.” (“Morocco and Algeria Contesting Western Sahara in Guerilla War”, The New York Times, 13.10. 1976, p.2, https://timesmachine.nytimes.com/timesmachine/1976/10/13/issue.html (accessed on 8 July 2022))</p> <p><i>### During and after the war State reaction is split: Recognition of the Polisario movement by many States, but recognition for the Moroccan government by Arab States. ###</i></p> <p>“About two dozen countries, many from the Arab League, recognize Moroccan sovereignty over the territory.” (Sarkees, Reid and Wayman, Resort to War: 1816 – 2007, 2010, p. 323)</p>

	<p>Council of Ministers of the Organization of African Unity (OAU): <i>### recognizes the Polisario liberation movement ###</i> “On March 8 [1976], the representative of Algeria transmitted a statement by a spokesman of the Ministry of Foreign Affairs of Algeria pointing out that the President of the Council of Ministers of the Organization of African Unity, which had met at Addis Ababa, Ethiopia, from 23 to 29 February 1976, had declared that the Saharan people, like all other peoples, were entitled to exercise the right of self-determination; therefore, the Council of Ministers had recognized the Polisario as a liberation movement [and] unconditionally supported all liberation movements, particularly those in Africa” (UNYB 1976, p. 738)</p> <p>“Efforts by the Organization of African Unity (OAU) to resolve the sovereignty question collapsed in 1984 when the OAU recognized the Saharan Arab Democratic Republic, the civil arm of the Polisario Front. Morocco withdrew from the OAU in protest.” (“Western Sahara”, Annual Human Rights Reports Submitted to Congress by the U.S. Department of State 20 (1995), p. 1237-1238)</p> <p>Spain: <i>### After the Madrid Accords (Declaration on Principles of Western Sahara) had been signed, Spain absolved itself from responsibility for Western Sahara ###</i> “Spain, by a letter dated 26 February, called attention to the efforts made by the Spanish Government to achieve speedy decolonization of the territory under peaceful conditions. It noted that the persistence of circumstances beyond its control had thus far made it impossible to organize the popular consultation provided for by the Madrid agreement. Referring to provisions of that agreement, the letter stated that, as at 26 February, Spain definitively terminated its presence in the territory of the Sahara and thenceforth considered itself exempt from any responsibility of an international nature in connexion with the administration of that territory. Further, Spain took the position that the decolonization of Western Sahara would reach its climax when the views of the Saharan population had been validly expressed.” (UNYB 1976, p.738)</p> <p>Many States: <i>### support for self-determination on the international level ###</i> “After the UN cease-fire in 1991, about four dozen states, a large number of them African, recognize the Polisario government.” (Sarkees, Reid and Wayman, Resort to War: 1816 - 2007. 2010, p.324)</p> <p>“The Libyan Arab Jamahiriya said that the United Nations and OAU should co-operate to find a just solution to enable the Saharan people to exercise their right to self-determination. This view was shared by Austria, Benin, Burundi, Cape Verde, Cuba, Democratic Yemen, Equatorial Guinea, Ghana, Guinea-Bissau, Guyana, Jamaica, Liberia, Mozambique, the Niger, Senegal, Swaziland, Togo, Viet Nam, Yugoslavia and Zambia. Many of these Members expressed support for POLISARIO as the legitimate representative of the people, and urged the Government of Morocco to put an end to war with a view to reaching a just and lasting solution to the question. Egypt, Gabon, the Gambia, Jordan and the Sudan were of the view that the question of Western Sahara should be left entirely to OAU and more specifically to its ad hoc committee. Bulgaria, Greece, India, Sierra Leone, the</p>
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	<p>Syrian Arab Republic and Zaire expressed the hope that the problem would be solved peacefully to the satisfaction of all parties and without prejudice to the principle of self-determination. The Congo, Cyprus and Kenya declared their support for the independence of Western Sahara. Saudi Arabia appealed to Algeria and Morocco to allow OAU to mediate the dispute.” (UNYB 1978, p.862)</p> <p>“[At the Special Committee on 23 and 24 October 1979] Afghanistan, the Congo, Iran, the Libyan Arab Jamahiriya, Madagascar, Rwanda and Yugoslavia reiterated their support of the people of Western Sahara and stated that they must be granted the right to self-determination. Botswana and the Niger appealed to all countries not to complicate the decolonization process. Afghanistan, Cape Verde, Lesotho and Viet Nam called for the withdrawal of foreign troops. Gabon and Senegal called on Algeria and Morocco to negotiate. Gabon maintained its position that the return of Western Sahara to Morocco was legitimate. Senegal called for agreement on the holding of a referendum.” (UNYB 1979, p.1050)</p> <p>“In Afghanistan’s view, the people of Western Sahara, under the leadership of POLISARIO, were struggling to free themselves from colonialism and to end military occupation of their territory.” (UNYB 1980, p.1195)</p> <p>Algeria: <i>### Recognizing the Polisario liberation movement ###</i> “On March 8 [1976], the representative of Algeria transmitted a statement by a spokesman of the Ministry of Foreign Affairs of Algeria pointing out that the President of the Council of Ministers of the Organization of African Unity, which had met at Addis Ababa, Ethiopia, from 23 to 29 February 1976, had declared that the Saharan people, like all other peoples, were entitled to exercise the right of self-determination; therefore, the Council of Ministers had recognized the Polisario as a liberation movement [and] unconditionally supported all liberation movements, particularly those in Africa” (UNYB 1976, p. 738)</p> <p>“Algeria, it was stated, unconditionally supported all liberation movements, particularly those in Africa, and therefore joined Burundi and Madagascar in recognizing the Saharan Arab Democratic Republic.” (UNYB 1976, p. 738)</p> <p>Libya: <i>### supporting the Polisario fighters ###</i> “Increasingly bitter fighting has left Morocco in control of the main urban areas, but the Polisario Front's guerrillas, backed by Algeria and Libya, appear to move freely in the vast, sparsely populated desert regions. Spain withdrew from the territory, then called the Spanish Sahara, on Feb. 26, 1976, ceding the land to Morocco and Mauritania. The next day the Polisario Front declared the 103,000-square-mile region independent.” (“No end in sight to struggle over Western Sahara”, NYT, 01.03.1981, p.20, https://timesmachine.nytimes.com/timesmachine/1981/03/01/issue.html (accessed on 8 July 2022))</p> <p>Burundi, Madagascar, Benin, Jemen, Zambia, Angola, Chad, Viet Nam: <i>### recognizing the Polisario liberation movement ###</i> “Algeria, it was stated, unconditionally supported all liberation movements, particularly those in Africa, and therefore joined</p>
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	<p>Burundi and Madagascar in recognizing the Saharan Arab Democratic Republic.” (UNYB 1976, p. 738)</p> <p>“ On 21 October, the representative of Madagascar transmitted to the Secretary-General a memorandum dated 5 October from the Frente Popular para la Liberación de Saguia el Hamra y Rio de Oro (Frente POLISARIO). In the memorandum, POLISARIO reviewed events in Western Sahara leading to the Madrid Agreement of November 1975 between Spain, Morocco and Mauritania as well as developments since that date. It condemned the Agreement, which had been followed by the withdrawal of Spain and the invasion of the territory by Morocco and Mauritania. <u>Spain</u>, as the appointed agent of the United Nations, had no competence to dispose of the territory as it wished, but should have carried out a policy of decolonization in accordance with United Nations decisions.” (UNYB 1977 p. 881)</p> <p>“Benin, Democratic Jemen and Madagascar also emphasized that the question before the Council was essentially one of decolonization; to present the issue as a conflict between Algeria and Morocco was to ignore the most essential element in this regional polarization. Madagascar added that peace and security in that region could not be maintained without a comprehensive solution to the question of Western Sahara. Any partial debate, taking into account only selective aspects of the problem, it said, could lead only to partial, unbalanced solutions.” (UNYB 1979, p.1048)</p> <p>“Zambia informed the Secretary-General in a letter of 15 October that his Government recognized the Saharan Arab Democratic Republic with effect from 8 October.” (UNYB 1979, p. 1049)</p> <p>“Several of the speakers which supported the position of POLISARIO specifically endorsed the establishment (in 1976) of the Saharan Arab Democratic Republic, and some, including Angola, Chad and Viet Nam, announced that they had granted it diplomatic recognition.” (UNYB 1980, p.1195)</p> <p>Mauritania: <i>### Did not recognize the Polisario liberation movement ###</i> “Mauritania considered that Algeria, in creating the so-called Republic of Sahara and granting it de jure recognition, was the real cause of tension in the area.” (UNYB 1976, p. 738)</p> <p>United States: “United States policy with regard to the Western Sahara was guided by the fact that this region was not a foreign policy priority, and that one party to the conflict, Morocco, is a close ally. The United States did not probe into the fairness and transparency of the referendum. However, citing mismanagement and the lack of progress in operations such as MINURSO, Republican Party legislators took the lead in calling for cuts in U.S. funding for U.N. peacekeeping operations. Due, in part, to pressure from Congress, the U.S. mission to the United Nations raised objections to continued funding for MINURSO, creating uncertainty prior to the September 22 Security Council vote as to whether the MINURSO mandate would be extended. However, like the Security Council, the U.S. mission focused on the lack of progress in voter identification and the issue of financial resources, but failed to</p>
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	<p>call on the Moroccan government to stop undermining the fairness of the referendum process.” (Human Rights Watch World Report 1996 - The Western Sahara)</p> <p>France: <i>### officially being neutral, however, said to be supporting Morocco and Mauritania ###</i></p> <p>“The Minister [of Algeria] added that the French Government, while officially assuming an attitude of neutrality, no longer concealed its bias and its involvement on the side of the aggressor States. The belligerent attitude of the French Government and the aid given to Moroccan and Mauritanian armed forces were evidence of a clear intent to fan the flames of conflict and encourage its escalation, the letter added.” (UNYB 1977, p. 881)</p> <p>“On 21 December, the representative of the Libyan Arab (...) transmitted to the Secretary-General a communication dated 20 December from the Secretary for Foreign Affairs in which the latter referred to a bombardment by the French air force against the Sharawi people in Saguia el Hamra and Rio de Oro. He asked the Secretary-General to intervene and to take the necessary measures to put an end to French action.” (UNYB 1977, p. 883)</p> <p>UN: <i>### Regards Western Sahara as a non-self-governing territory ###</i></p> <p>“The United Nations considers Western Sahara, which has been occupied by Morocco since 1975, to be a non-self-governing territory (a colony). International human rights organizations and UN human rights bodies confirm that Morocco is committing gross human rights violations in the territory.” (Lakhal, Resisting occupation in western Sahara, Brown Journal of World Affairs, 2017, pp. 221-230)</p> <p>“On 26 February 1976, Spain informed the Secretary-General that as of that date it had terminated its presence in the Territory of the Sahara and deemed it necessary to place on record that Spain considered itself thenceforth exempt from any responsibility of any international nature in connection with the administration of the Territory, in view of the cessation of its participation in the temporary administration established for the Territory. In 1990, the General Assembly reaffirmed that the question of Western Sahara was a question of decolonization which remained to be completed by the people of Western Sahara.” (https://www.un.org/dppa/decolonization/en/nsgt#_edn2 (accessed on 8 July 2022))</p> <p>“Pursuant to the expected decolonization of the Western Sahara the UN General Assembly sent a Visiting Mission on a fact-finding tour in 1974. In an eminently sensible report the Mission noted that the population as a whole unmistakably supported independence and rejected the territorial claims of Morocco and Mauritania. Furthermore, the Mission noted that the population had demonstrated its support for the objectives of the Polisario Front, which appeared to them the dominant political force. The Mission therefore concluded that the Sahrawis were entitled to exercise their right to self-determination in accordance with UN General Assembly Resolution 1514 (XV) under the aegis of the UN.” (Naldi, Western Sahara: Suspended statehood or frustrated self-determination, African Yearbook of International Law 2005, pp. 11-42)</p>
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615 Algeria

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
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<p>5. Legitimacy Claim</p>	<p>1 enable self-determination</p>	<p>“The representative of Algeria [at the Security Council on June 10, 1979] said that Morocco remained an illegitimate military occupier in Western Sahara and was stifling the voice of a people fighting for national independence.” (UNYB 1979, p.1047)</p> <p>“On 6 February 1976, Algeria transmitted a memorandum [to the President of the Security Council] referring to the agreement concluded on 14 November 1975 between Spain, Morocco and Mauritania and stating, among other things, that developments in Western Sahara would following that agreement would have serious consequences for the future national unity and territorial integrity of the Saharan people and for peace, security and stability in that region. That agreement, Algeria declared, was totally lacking in validity, as it was in complete contradiction of the UNCh and relevant UN Resolutions, in particular the General Assembly's resolution of 10 December 1975. A blatant act of aggression against the Saharan people by the countries that signed the tripartite agreement of Madrid was taking place.” (UNYB 1976, p.737f.)</p> <p>“On March 8 [1976], the representative of Algeria transmitted a statement by a spokesman of the Ministry of Foreign Affairs of Algeria pointing out that the President of the Council of Ministers of the Organization of African Unity, which had met at Addis Ababa, Ethiopia, from 23 to 29 February 1976, had declared that the Saharan people, like all other peoples, were entitled to exercise the right of self-determination; therefore, the Council of Ministers had recognized the Polisario as a liberation movement [and] unconditionally supported all liberation movements, particularly those in Africa” (UNYB 1976, p. 738)</p> <p>“On 23 June 1976, Algeria replied to Mauritania's letter of 14 June, stating that, while Algeria had never concealed its position of support for the legitimate demands of the Saharan people, it rejected as utterly baseless and contrary to the truth the Mauritanian accusation against Algeria. The policy that had been pursued by Morocco and Mauritania in Western Sahara was contrary to the solemn undertakings that had been assumed by the highest Mauritanian authorities towards the Saharan people, Algeria added. It continued to affirm that the only possible step to rectify the situation was to allow the Saharan people to exercise their right to self-determination.” (UNYB 1976, p. 738)</p> <p>“Algeria, it was stated, unconditionally supported all liberation movements, particularly those in Africa, and therefore joined Burundi and Madagascar in recognizing the Saharan Arab Democratic Republic.” (UNYB 1976, p. 738)</p> <p>“On 13 July, Algeria transmitted the texts of two resolutions on Western Sahara. The first it said was adopted by the OAU Council of Ministers at its June-July 1976 session and the second by the OAU Assembly of Heads of State and Government at its thirteenth session in Mauritius (2-5 July 1976). By the first resolution, the Council of Ministers reaffirmed the inalienable right of the people of Western Sahara to self-determination and to national independence; it requested the United Nations Secretary-General to pursue his mission with a view to enabling the Saharan people freely to exercise their right to self-determination, and demanding the immediate withdrawal of all foreign forces of occupation from Western Sahara.” (UNYB 1976, p. 739)</p> <p>“The representative of Algeria said (...) when Morocco and Mauritania invaded Western Sahara, the 1975 United Nations visiting mission had just reported that the people of the territory had overwhelmingly declared their wish for independence and against the territorial claims of Morocco and Mauritania. Also he would recall that the International Court of Justice did not find</p>
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		<p>any claims which would justify the denial of the right of the Western Sahara to self-determination in favour of the claims of Morocco and Mauritania. Moreover, even Spain, the administering power, had not accepted that the people of the territory had fully exercised their right to self-determination as envisaged by United Nations resolutions. Therefore, the decolonization of the Western Sahara had yet to be carried out. As the people of the territory were still struggling to preserve their identity, to construct a nation and to organize their life according to their own traditions, the problem of Western Sahara had become a source of discord among countries of the region. He hoped that, with the help of the United Nations, OAU and the international community as a whole, justice would be done to the Saharan people to enable them to exercise their rights in complete freedom." (UNYB 1976, p. 739)</p> <p>"On 16 February, Algeria transmitted the text of a message dated 15 February from its Foreign Minister addressed to the Moroccan Foreign Minister, stating that the war in Western Sahara between Moroccan forces and the Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro (Frente POLISARIO) was neither desired nor provoked by Algeria, which believed that the problem of Western Sahara was a genuine decolonization issue for which there could be no final settlement without the active participation and full support of the Saharan people and their legitimate representatives." (UNYB 1979, p. 1046)</p>
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	Code	Material
6. UNSC Reaction	3 unclear	<i>### The UNSC did not explicitly react to Algeria's actions, but reacted to the overall conflict and requested the parties to the conflict to enter into consultations in order to solve the conflict. See Polisario 6 ###</i>
7. UNGA Reaction	3 unclear	<i>### The UNGA did not explicitly react to Algeria's actions, but reacted to the overall conflict and requested the parties to the conflict to enter into consultations in order to solve the conflict. Ssee: Polisario 7 ###</i>
8. ICJ Reaction	3 unclear	<i>see Polisario 8</i>
9. State Reaction	3 unclear	<i>see Polisario 9</i>

435 Mauritania

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2. Source of law	Contestation about					Material
		3. facts	4. interpretation	5. exceptional circumstances	6. abstr. gen. level	7. validity	
9 non-applicability of the use of force	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<p>### Party to the conflict until Mauritania withdraw from the Sahara in 1979. By a letter of 18 August, Mauritania transmitted a message to the Secretary-General stating that Mauritania had concluded an agreement with the representatives of the Sahraoui people, the Frente POLISARIO, signed at Algiers on 5 August 1979, by which it renounced all territorial claims to Western Sahara and decided to withdraw from the war there (UNYB 1979, p.1048) ###</p> <p>### Mauritania saw Western Sahara as part of its own national territory and understood the problem to be one of national unity and territorial integrity. ###</p> <p>"After it became a Member in 1960, Mauritania put forward in the United Nations the claim that Western Sahara was part of its national territory. It was however prepared to acquiesce in the will of the population and did not confront Spain with a direct legal claim parallel to that of Morocco." (ICJ Advisory Opinion (Western Sahara), Advisory Opinion, I.C.J Rep 1975, p. 18, para. 38)</p> <p>"A further letter from Mauritania, dated 24 June, reiterated the charges concerning the attack against Nouakchott on 8 June 1976 as having been planned and organized by Algerian leaders and headed by Algerian officers. This was a grave violation of international law and an inadmissible attack against a Member of the United Nations. Mauritania considered that Algeria, in creating the so- called Republic of Sahara and granting it de jure recognition, was the real cause of tension in the area." (UNYB 1976, p. 738)</p> <p>"Mauritania reaffirmed its ancient rights over the territory of the former Spanish Sahara. The people living on both sides of the artificial colonial frontier which for several decades had arbitrarily divided Mauritanian territory into "French Mauritania" and "Spanish Mauritania" were one people, belonging to the same tribes and with a common language and culture. Mauritania therefore viewed the problem in terms of national unity and territorial integrity. Although Mauritania had later advocated self- determination for Western Sahara in order to take account of the claims of Morocco, it could not accept that Algeria was a directly interested party. Mauritania condemned the acts of aggression against its territory and said that it would accept no solution imposed by force." (UNYB 1977, p. 882)</p>

							<p>### Mauritania fighting against Algeria and the attacks by the Polisario group ###</p> <p>“A letter from Mauritania, dated 14 June, stated that for some time Algeria had been pursuing a systematic policy of aggression and intimidation against Mauritania. Mercenary units organized, armed and financed by Algeria had attacked civilian objectives situated within the Mauritanian frontiers of 1960. During May, two localities had been hit by mortar fire, causing casualties among the innocent population. On 8 June, a column of several hundred men, including the Secretary-General of the so-called liberation movement of the Sahara, had arrived in the vicinity of the capital, Nouakchott, with instructions to overthrow the Mauritanian Government. Although their plan had been foiled by the Mauritanian security forces, it nevertheless constituted an extremely dangerous precedent which seriously affected peace and security in the entire region.” (UNYB 1976, p. 738)</p> <p>“By a letter of 23 May, Mauritania informed the Secretary-General that it was prepared to implement two Assembly resolutions of 10 December 1975 on the question of the territory, study ways of achieving self-determination there and normalize relations with Algeria; it also said it favoured dialogue with POLISARIO.” (UNYB 1979, p. 1046)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	3 unclear	### The UNSC did not explicitly react to Mauritania's actions, but reacted to the overall conflict and requested the parties to the conflict to enter into consultations in order to solve the conflict. See Polisario 6 ###
7. UNGA Reaction	3 unclear	<p>### The UNGA requested the parties to the conflict to enter into consultations in order to solve the conflict and approved consultations between Mauritania and Polisario; underlines the right of self-determination of the Western Saharan People ###</p> <p>UNGA Res 32/22, 28 November 1977 (adopted without vote) "2. Expresses the hope that a just and lasting solution to the problem of Western Sahara will be speedily achieved, in accordance with the principles of the Charter of the United Nations, at the extraordinary session of the Organization of African Unity devoted to this question, to be held shortly in accordance with the decisions taken at the 13th and 14th ordinary sessions of the Assembly of Heads of State and Government of the Organization of African Unity."</p> <p>UNGA Res 34/37, 21 November 1979 (Yes: 85 No: 6 Abstentions: 41 Non-Voting: 20 Total voting membership: 152) "4. Welcomes the peace agreement concluded between Mauritania and the Frente Popular para la Liberacion de Saguia el-Hamra y de Rio de Oro and considers that this agreement constitutes an important contribution to the process of achieving peace and a definitive, just and lasting settlement of the question of Western Sahara"</p>
8. ICJ Reaction	3 unclear	see Polisario 8
9. State Reaction	3 unclear	see Polisario 9

600 Morocco

	Code
Law invoked?	1 Yes

	Code	Contestation about	Material

1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
9 non-applicability of the use of force	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<p>### Morocco saw Western Sahara as part of its own national territory and claimed to fight against attacks by Algeria and the Polisario group ###</p> <p>### Western Sahara as part of Morocco's territory ###</p> <p>“Morocco maintained that the Western Sahara had formed an integral part of its kingdom prior to colonization and that it should therefore be re-integrated on the basis of historic title. Mauritania, which became independent in 1960, also lodged a territorial claim to the Western Sahara asserting that in the pre-colonial era the people of the region owed tribal and religious allegiance to each other in a loose confederation known as the Bilad Shinguitti, the predecessor to the state of Mauritania.” (Naldi, Western Sahara: Suspended statehood or frustrated self-determination, African Yearbook of International Law, 2005, pp. 11-42)</p> <p>“Morocco questioned statements which had been made on the sovereignty of Western Sahara. While it was true that the International Court of Justice had stated that it had not found legal ties between Morocco and the Sahara, it had, on the other hand, confirmed the existence of legal ties of allegiance between the Sultan of Morocco and the Saharan population.” (UNYB 1977, p. 882)</p> <p>“At its 1979 regular session, the General Assembly's Fourth Committee considered the question of Western Sahara. In addition to the reports of the Secretary-General and the Special Committee, the Committee had before it a request for hearings of representatives of the Frente POLISARIO and a letter of 5 October from Morocco. Morocco stated that Western Sahara had been an integral part of Moroccan territory since 26 February 1976, that there was no longer any justification for consideration of the question by the Fourth Committee, and that Morocco firmly opposed the request for hearings.” (UNYB 1979, p. 1049)</p> <p>### attacks against Morocco ###</p> <p>“The Minister for Foreign Affairs of Morocco [at the Security Council on June 20, 1979] said his country's national territory had for some time been the victim of deliberate acts of aggression committed by armed bands from Algeria that afterwards returned to Algeria. Morocco had finally felt compelled to come before the Council. Recalling the most recent acts of aggression, in particular those committed on the night of 31 May/1 June and on 4 June, the Minister added that there was</p>

						<p>no doubt Algeria's responsibility for them was total. The attacks were committed by bands that had been recruited, equipped, armed, trained and financed by the Algerian authorities and protected in Algerian sanctuaries after having left Moroccan territory." (UNYB 1979, p.1047)</p> <p>"By a letter dated 4 October, the representative of Morocco transmitted a message of protest sent by the King of Morocco on 2 October to the Algerian President stating that for the second time in a month, Algeria had committed an act of aggression against Morocco and that such acts could have serious repercussions for the peace and security of the region." (UNYB 1978, p. 861)</p> <p>"By a letter dated 10 January, the representative of Morocco transmitted a letter of the previous day to the Council President from the Minister of State for Foreign Affairs and Co-operation who rejected accusations against his country made in December 1978 by Algeria (...).He added that Algeria was trying to aggravate the tension in the region with the aim of extending its hegemony beyond its borders." (UNYB 1979, p. 1046)</p> <p>"Morocco said that the real threat to peace stemmed from the aggressive incursions by the Algerian regular army into the two neighbouring States. There was also indirect aggression from the so-called Frente POLISARIO—the armed bands financed by Algeria and protected in Algerian sanctuaries. It was a strange liberation movement that had been created for reasons of expediency in 1974, just as negotiations between Spain, Morocco and Mauritania were close to achieving a peaceful solution. The conflict in Western Sahara, Morocco continued, was a purely regional one and therefore it was proper for OAU to be seized of the problem. The Moroccan Government had agreed to that, even though as far as it was concerned it had entered the territory legally and self-determination had been achieved by a perfectly legitimate vote in the territorial Assembly. However, Algeria and certain other countries regrettably wanted to take the matter out of the hands of OAU. Morocco had expressed confidence in the ad hoc committee and had called again for an extraordinary summit meeting of OAU at an early date." (UNYB 1978, p. 862)</p> <p><i>### invoking to right of hot pursuit ###</i></p> <p>"By a letter of 10 November, the representative of Algeria transmitted to the Secretary-General a further letter from the Minister for Foreign Affairs in which the Minister said that the most authoritative voice of Morocco had stated that Morocco would no longer hesitate to violate the borders of Algeria when invoking the right of hot pursuit." (UNYB 1977, p. 881)</p> <p><i>### Morocco initiated to bring the matter before the ICJ ###</i></p> <p>" (...) on 23 September 1974 the Minister for Foreign Affairs of Morocco addressed a communication to the Minister for Foreign Affairs of Spain recalling the terms of a statement by which His Majesty</p>
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							King Hassan II had on 17 September 1974 proposed the joint submission to the International Court of Justice of an issued expressed in the following terms: " You, the Spanish Government, claim that the Sahara was res nullis. You claim that it was a territory or property left uninherited, you claim that no power and no administration had been established over the Sahara: Morocco claims the contrary. Let us request the arbitration of the International Court of Justice at The Hague (...)." (ICJ Advisory Opinion (Western Sahara), Advisory Opinion, I.C.J Rep 1975, p. 14)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	2 disapproves	<p>### For UNSC reaction regarding the overall conflict see Polisario 6 ###</p> <p>UNSC Res 380, 6 November 1975</p> <p>"Noting with grave concern that the situation concerning Western Sahara has seriously deteriorated, Noting with regret that despite its resolutions 377(1975) and 379(1975) as well as the appeal made by the President of the Security Council, under its authorization, to the King of Morocco with an urgent request to put an end forthwith to the declared</p>

		<p>march on Western Sahara, the said march has taken place; 1. Deplores the holding of the march; 2. Calls upon Morocco immediately to withdraw from the Territory of Western Sahara all the participants in the march”</p> <p>1983: no decision by the Security Council “The Secretary-General reported to the [General] Assembly that no decision had been reached on the United Nations role in the conduct of the referendum. Morocco opposed a role for the Organization and also objected to a decision by OAU to seat at one of its meetings in February the Saharan Arab Democratic Republic, established in 1976 and backed by POLISARIO.” (UNYB 1983, p.1350)</p> <p>UNSC Res 621, 20 September 1988 (after the war) “Taking note of the agreement in principle given by the Kingdom of Morocco and the Frente Popular para la Liberacion de Saguia el-Hamra y de Rio de Oro on 30 August 1988 to the joint proposals of the Secretary-General and the current Chairman of the Organization of African Unity, 1. Decides to authorise the Secretary-General to appoint a special representative for Western Sahara; 2. Requests the Secretary-General to transmit to it as soon as possible a report on the holding of a referendum for self-determination of the people of Western Sahara and on ways and means to ensure the organization and supervision of such a referendum by the United Nations in co-operation with the Organization of African Unity”</p>
7. UNGA Reaction	2 disapproves	<p><i>### Deplores Morocco’s actions and underlines the right of self-determination of the Western Saharan People. For UNGA reaction regarding the overall conflict see above Polisario 7 ###</i></p> <p>UNGA Res 33/31, 13 December 1987 (Yes: 90 No: 10 Abstentions: 39 Non-Voting: 11 Total voting membership: 150) “Recalling the advisory opinion delivered by the International Court of Justice on 16 October 1975 on the question of Western Sahara (...) Bearing in mind the profound concern of the United Nations, the Organization of African Unity and the non-aligned countries regarding the decolonization of Western Sahara and the right of the people of that Territory to self-determination. 2. Reaffirms the inalienable right of the people of Western Sahara to self-determination and independence.”</p> <p>UNGA Res 34/37, 21 November 1979 (Yes: 85 No: 6 Abstentions: 41 Non-Voting: 20 Total voting membership: 152) “5. Deeply deplores the aggravation of the situation resulting from the continued occupation of Western Sahara by Morocco and the extension of that occupation to the territory recently evacuated by Mauritania; 6. Urges Morocco to join in the peace process and to terminate the occupation of the Territory of Western Sahara; 7. Recommends to that end that the Frente Popular para la Liberacion de Saguia el-Hamra y de Rio de Oro, the representative of the people of Western Sahara, should participate fully in any search for a just, lasting and definitive political solution of the question of Western Sahara, in accordance with the resolutions and declarations of the United Nations, the Organization of African Unity and the non-aligned countries”</p> <p>UNGA Res 35/19, 11 November 1980 (Yes: 88 No: 8 Abstentions: 43 Non-Voting: 15 Total voting membership: 154) “2. Deeply deplores the fact that its resolution 34/37, in which are set forth the ways and means for a just and definitive political solution of the question of Western Sahara, has not been implemented; 9. Reiterates the appeal contained in its resolution 34/37 whereby it urged Morocco to join in the peace process and to termination the occupation of the Territory of Western Sahara.”</p>

		<p>UNGA 38/40, 7 December 1983 (adopted without vote)</p> <p>“2. Urges the parties to the conflict, the Kingdom of Morocco and the POLISARIO Front, to undertake direct negotiations with a view to bringing about a cease-fire to create the necessary conditions for a peaceful and fair referendum for self-determination of the people of Western Sahara, a referendum without any administrative or military constraints, under the auspices of the Organization of African Unity and the United Nations (...); 4. Requests the United Nations, in conjunction with the Organization of African Unity, to provide a peace-keeping force to be stationed in Western Sahara to ensure peace and security during the organization and conduct of the referendum; 5. Mandates the Implementation Committee, with the participation of the United Nations, to take all necessary measures to ensure the proper implementation of this resolution.”</p>
8. ICJ Reaction	3 unclear	<i>see Polisario 8</i>
9. State Reaction	3 unclear	<p>### State reaction regarding Morocco's occupation of Western Sahara is split ###</p> <p>“About two dozen countries, many from the Arab League, recognize Moroccan sovereignty over the territory.” (Sarkees, Reid and Wayman, <i>Resort to War: 1816 - 2007</i>. 2010, p. 323)</p> <p>“The United Nations considers Western Sahara, which has been occupied by Morocco since 1975, to be a non-self-governing territory (a colony). International human rights organizations and UN human rights bodies confirm that Morocco is committing gross human rights violations in the territory.” (Lakhal, <i>Resisting occupation in western Sahara</i>, <i>Brown Journal of World Affairs</i>, 2017, pp. 221-230)</p> <p>“The Security Council would not be able to invite parties to negotiate about Western Saharan autonomy under Moroccan sovereignty, for such wording would imply recognition of Moroccan sovereignty over Western Sahara, which was out of the question as long as no States Member of the United Nations had recognized that sovereignty. (Report of the Secretary-General on the situation concerning Western Sahara, 19 April 2006, para. 37, p. 10)</p> <p><i>For further State Reaction see Polisario 9</i></p>

37. The Second Ogaden War Phase 2 1977-1978

Key data

Parties: Cuba, Ethiopia vs. Somalia; Duration: 23.07.1977 – 9.3.1978; Initiator: Somalia.

520 Somalia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2 Source of law	Contestation about					Material
		3 facts	4 interpretation	5. exceptional circumstances	6 abstr. gen. level	7 validity	
10 denial of involvement	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	<p>“Somalia continued to deny direct involvement, while conceding that ‘off duty’ regular soldiers were being allowed to ‘volunteer’ for duty with WSLF. (...) A Mogadishu statement confirmed for the first time that Somalia was giving ‘all-out moral, material and other support’ to the WSLF; but it firmly and repeatedly denied that any Somali regulars were involved in the Ogaden – a pretence kept up until late February 1978” (Africa Contemporary Record, Vol. X, 1977-1978, B 226-227)</p> <p>„Gegenüber äthiopischen Vorwürfen bekräftigte der Außenminister, daß keine regulären somalischen Verbände zur Unterstützung der Befreiungsfront eingesetzt worden seien“. („Neue Gebietsverluste</p>

						<p>Äthiopiens in Ogaden - Beteiligung der „Befreiungsfront“ an Verhandlungen gefordert“, Frankfurter Allgemeine Zeitung, 12.8.1977, S.3, https://www.faz-corporate.de/faz-portal/document?uid=FAZH__770812_FAZ_0003_3_0002&token=f9c99501-db58-4100-8791-58c8e139a9dc&p._scr=faz-archiv&p.q=somalischen+verbände&p.source=&p.max=10&p.sort=&p.offset=0&p._ts=1657558898392&p.DT_from=12.08.1977&p.DT_to=12.08.1977&p.timeFilterType=0 (accessed on 11 July 2022))</p> <p>“Somalia claims the vast, largely barren region, which is Somali-populated, as part of a “Greater Somalia” that predated colonialism.” (Darnton, “Ethiopia and Pro-Somali Rebels claim Success in Border Conflict”, The New York Times, 22.7.1977, p. 3, https://timesmachine.nytimes.com/timesmachine/1977/07/22/75095545.html?pageNumber=3 (accessed on 11 July 2022))</p> <p>“Soon after its establishment in 1960, the Somali state sought to wrest the Ogaden from Ethiopia on ethnic and cultural grounds. What the Somali irredentists called Western Somalia extended almost as far as the Awash River, (...)”. (Tareke, The Ethiopian-Somali War Revisited, The International Journal of African Historical Studies, 2000, p. 637)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	<p>### This legitimacy claim advanced by insurgents in Ethiopia cannot be attributed to Somalia ###</p> <p>“The Western Somali Liberation Front, which is seeking to wrest control of eastern Ethiopia from the Addis Ababa Government, said today that it was not prepared to engage in cease-fire negotiations with Ethiopia until every ‘inch’ of the land it claims had been ‘liberated.’ At a news conference here, Abdulahi Hassan Mohamud, the secretary general of the front, said in reply to a question: ‘No, there will be no talks whatsoever until we liberate all our territory from Ethiopian colonial forces.’” (Darnton, “Somali Front Leader Bars Cease-Fire with Ethiopia,” The New York Times, 25.9.1977, p.3, https://timesmachine.nytimes.com/timesmachine/1977/09/25/80347991.html?pageNumber=3 (accessed on 11 July 2022))</p> <p>“Since these fighters originally came from the Somali-speaking parts of Ethiopia, the Mogadishu regime was in a position to claim that the war in the Ogaden was a genuine liberation struggle, and that they themselves were backing this sacred cause in the same way as they would support any other liberation movement in Africa of the Middle East.” (Legum/Lee, Conflict in the Horn of Africa, 1977, p. 33)</p>
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	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>### The African nations saw the Somali intervention to be an unacceptable act of aggression (Weisburd, Use of Force, 1997, p. 38). They rejected the irredentist approach taken by Somalia with regard to colonial borders, with exception of Morocco (Gorman, Political Conflict on the Horn of Africa, 1981, p. 138) ###</p> <p>„Syrien gab am 25. Oktober 1977 eine Solidaritätserklärung mit Somalia ab und verurteilte die ‚fortdauernde Kolonialisierung des somalischen Volkes durch das Menigstu-regime‘.“ (Krech, Der Bürgerkrieg in Somalia (1988-1996), 1996)</p>

530 Ethiopia

	Code
Law invoked?	1 Yes

30	Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	<p>“Mengistu ordered a national mobilization on 20 August against the ‘open invasion’ by Somalia. Four days later, he called for a ‘total people’s war against aggressors and interventionists.’ Ethiopia, he said, was engaged in a ‘life-and-death’ struggle in the Ogaden.” (Africa Contemporary Record, Vol. X, 1977-1978, B 227)</p> <p>“Mengistu had pledged at a Press conference on 14 February that his forces would not cross the Somali border. ‘The defensive war we are waging goes as far as our frontier’.” (Africa Contemporary Record, Vol. X, 1977-1978, B 229)</p> <p>„Hauptmann Fikre Selassie Wogderess, Sekretär des provisorischen militärischen Verwaltungsrates Äthiopiens, erklärte vor Journalisten, die Somalis würden ‚in alle Richtungen in die Flucht geschlagen‘, und es werde nicht mehr lange dauern, bis alle Invasoren ‚mit Schimpf und Schande aus dem Land gejagt‘ seien. (...) Fikre erklärte, Äthiopien werde ‚alle notwendigen Maßnahmen ergreifen, um den eingedrungenen Feind von äthiopischem Gebiet zu vertreiben‘, und ‚keine Macht der Welt‘ werde dies verhindern oder verzögern können.“ („Äthiopische Offensive im Ogaden - Mogadiscio spricht von taktischen Absetzbewegungen / Israel liefert Waffen“, Frankfurter Allgemeine Zeitung, 8.2.1978, S. 1, https://www.faz-corporate.de/faz-portal/document?uid=FAZH__780208_FAZ_0001_1_0007&token=ecf50fa6-c2bc-4f84-a266-b967d35743cc&p._scr=faz-archiv&p.q=selassie&p.source=&p.max=10&p.sort=&p.offset=0&p._ts=1657558993281&p.DT_from=08.02.1978&p.DT_to=08.02.1978&p.timeFilterType=0 (accessed on 11 July 2022))</p> <p>„Äthiopien hat das Nachbarland Somalia beschuldigt, einen Krieg zwischen den beiden Staaten zu entfesseln. Die amtliche äthiopische Nachrichtenagentur meldete am Dienstag, Außenminister Oberst Feleke Gedlè-Ghiorgis habe die Organisation für Afrikanische Einheit (OAU) und ausländische Diplomaten von der „schamlosen Aggression Somalias“ unterrichtet, die am Samstag begonnen habe.“ („Äthiopien beschuldigt Somalia der Aggression - Staatschef Barre verletzt / Beschwerde bei der OAU“, Frankfurter Allgemeine Zeitung, 27.7.1977, S. 3, https://www.faz-corporate.de/faz-portal/document?uid=FAZH__770727_FAZ_0003_3_0002&token=2cdbb6ac-cd90-4b24-a202-f6dfbeff3114&p._scr=faz-</p>

						<p>archiv&p.q=Somalia&p.source=&p.max=10&p.sort=&p.offset=0&p._ts=1657559097925&p.DT_from=27.07.1977&p.DT_to=27.07.1977&p.timeFilterType=0 (accessed on 11 July 2022))</p> <p>“Ethiopia assured the world on February 12 that its intention was to force Somali troops out of Ethiopia, not to attack Somalia itself.” (Gorman, Political Conflict on the Horn of Africa, 1981, p. 123)</p> <p>“On 7 September, as the fighting in the Ogaden became increasingly fierce, Ethiopia broke of diplomatic relations with Somalia and on the following day a joint Ethiopian-Kenyan statement was issued, condemning Somalia’s ‘brazen and naked aggression’.” (Lewis, A Modern History of the Somali, 2002, p. 234)</p>
Letter sent in accordance with Art. 51 UNCh	2 No					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	

8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Kenya: “Kenyan aid in the ensuing conflict was limited to official denunciations of Somali “Aggression” and to allowing Ethiopia to import munitions through Mombasa.” (Lewis, A Modern History of the Somali, 2002, p. 234)</p> <p>East Germany: “The East German leader, Erich Honecker, urged a peaceful solution, saying the Ogaden war ‘endangered the achievements of both countries’ revolutions” (Africa Contemporary Record, Vol. X, 1977-1978, B 228)</p>

40 Cuba

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	“In 1978 Ethiopia called on the Soviets and Cubans for assistance in ejecting the Somalis from Ogaden.” (Phillips and Axelrod, Encyclopedia of Wars, 2005, p. 445)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	

38. Vietnamese-Cambodian Border War 1977-1979

Key data

Duration: 24.9.1977 – 8.1.1979; Parties: Vietnam vs. Cambodia; Initiator: Cambodia.

816 Vietnam [North Vietnam]

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 Self-defence	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>“Vietnam claimed that it was ‘determined to repel aggression and to punish the aggressors, to put down the forces that have unleashed this war of aggression against it (...) That is the sacred right of self-defence of peoples in the face of aggression’.” (Weller, The Oxford handbook of the use of force in international law, 2016, p.244)</p> <p>“Serving the Peking authorities’ expansionist policy, the Pol Pot-Ieng Sary clique have carried out an extremely barbarous policy, facing the Kampuchean nation with the danger of extermination. They made war on and caused conflicts with all neighbouring countries, thereby undermining peace and</p>

						<p>stability in south-east Asia” (...) “Instigated and supported by the Peking authorities, the Pol Pot-leng Sary clique have waged a large-scale war of aggression along Viet Nam’s south-western border, committing extremely barbarous crimes against the Vietnamese people” (...) “The Vietnamese people were thus compelled to exercise their legitimate right to self-defence and resolutely counter all acts of aggression in order to safeguard their independence, sovereignty and territorial integrity and to preserve the long-standing friendship between the Vietnamese and the Kampuchean peoples” (S/13011, Letter Dated 8 January 1979)</p> <p>“The Pol Pot-leng Sary clique’s scheme to use the [UN] to salvage a fascist régime condemned by the whole of mankind and on the verge of collapse is doomed to failure (...) Like any other country in a similar situation, Vietnam is determined to exercise its right of legitimate defence recognized by the Charter of the UN and by international law in order to defend its independence, sovereignty and territorial integrity and to safeguard the traditional friendship between the Vietnamese people and the Kampuchean people. Vietnam is determined to repel aggression and to punish the aggressors, to put down the forces that have unleashed this war of aggression against it, so that its enemies will not be able to resume their aggressive activities. That is the sacred right of self-defence of peoples in the face of aggression.” (S/PV.2108)</p>
Letter sent in accordance with Art. 51 UNCh	1 yes Letter S/13011 of 8 January 1979					

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	1 Yes	2 No	1 Yes	2 No	<p>“Invitation from the ‘United Front for the Salvation of Kampuchea’” [### an anti-Khmer Rouge group formed in Vietnam largely by ex-Khmer Rouge cadres dedicated to the overthrow of the regime ###] (Weller, The Oxford handbook of the use of force in international law, 2016, p.244)</p> <p>“Aside, as the Vietnamese ambassador to the UN said ‘The fact that the Vietnamese armed forces responded to the appeal of the National United Front for the Salvation of Kampuchea and helped the people and the armed forces of Kampuchea to overthrow and repel the offensive of the Pol Pot-leng Sary clique was a just action, in keeping with morality and in keeping with international law and</p>

							the aspirations for peace and national independence of the peoples of the world'." (A/34/PV.62, para. 53)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	5 humanitarian	"For nearly four years (...) the Pol Pot-Ieng Sary clique, employing barbarous ways and means from the Middle Ages, massacred 3 million people, that is, nearly half the population of Kampuchea. No country in the grip of the Hitler Fascists during the Second World War suffered a massacre of such proportions. " (A/34/PV.62, para. 33)

	Code	Material
6. UNSC Reaction	4 unclear + veto	### Draft Resolution by Bangladesh, Bolivia, Gabon, Jamaica, Kuwait, Nigeria, Zambia on peaceful settlement of Vietnam-Cambodian Border War (S/13027) was vetoed by USSR (S/PV.2112, p. 1) dating 15 January 1979. ### ### Draft Resolution by Indonesia, Malaysia, Philippines, Singapore, Thailand on peaceful settlement of Vietnam-Cambodian Border War (S/13162) was vetoed by USSR [S/PV.2129, p. 8] ### dating February, hence after the 17 February Chinese actions ###
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	Approving: USSR: "The events which have occurred in Kampuchea are a purely internal affair of that country" (S/PV.2108, para. 42)

	<p>Czechoslovakia: “The Vietnamese people, which once again have had to defend their freedom and the independence and territorial integrity of their country – this time against the Chinese aggression – to this very day have been forced to fight with arms in hand. The hypocritical act of aggression by Peking against Viet Nam aroused a tidal wave of resistance throughout the world and encountered the indignation of peace-loving people of all continents. (...) By its piratical act against [Vietnam], Peking has revealed to the whole world the treacherous nature of its policy” (UN S/PV.2129, paras. 33-34)</p> <p>“The Czechoslovak Socialist Republic entirely shares the position of Vietnam that it will not enter into negotiations with the aggressor until the last Chinese soldier has left the territory of the Socialist Republic of Viet Nam. The Security Council is bound to respect this entirely justified determination of the people of Viet Nam, which is supported by the Peoples of the world” (UN S/PV.2129, para. 40)</p> <p>“the attempts to link discussion of the Chinese aggression against Viet Nam with the so-called question of Kampuchea mean making a mockery of the people of that country” (UN S/PV.2129, para. 42)</p> <p>Disapproving:</p> <p>Singapore: "[the invasion] is in flagrant violation of three cardinal principles of the [UNCh]" (A/34/PV.62, 12 November 1979, p. 1209)</p> <p>Papua New Guinea: “deplores any intervention or attempts by foreign forces to impose a political solution on the people of Kampuchea” (A/34/PV.62, 12 November 1979, p. 1208)</p> <p>Egypt: “current activities of foreign interference in Kampuchea represent a grave violation of [Art. 4 II UNCh]” (A/34/PV.62, 12 November 1979, p. 1234)</p> <p>Ireland: [speaking on behalf of the European Community] “military forces of another country have invaded Kampuchea, in its desperately weakened state, in contravention of fundamental principles of the Charter” (A/34/PV.62, 12 November 1979, p. 1216)</p> <p>UK: “The Vietnamese invasion of Kampuchea was in total contravention of the [UNCh]” (A/34/PV.62, 12 November 1979, p. 1237)</p> <p>Australia:</p>
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	<p>"[intervention] was carried out in violation of the territorial integrity and political sovereignty of Kampuchea" (A/34/PV.62, 12 November 1979, p. 1271)</p> <p>US: "Yes, Viet Nam, through its invasion of Kampuchea, is guilty of invasion. They [the Vietnamese] have violated the territorial integrity of Kampuchea. What we clearly want is the withdrawal of foreign intervention" (S/PV.2108, 11 January 1979, pp. 8-9)</p> <p>Japan: <i>"The Japanese Government will call for the withdrawal of Vietnamese troops from Kampuchea"</i> (S/PV.2108, 11 January 1979, pp. 8-9)</p> <p>Kuwait: "We informed the Soviet Ambassador that we were opposed to any aggression against the sovereignty and freedom of a small nation. We hold that every Member of the [UN] has the right to call for a Security Council session as it thinks necessary. We support Kampuchea's demand. She has been subjected to an aggression which needs to be discussed in the Council. Such an aggression implies a threat to the security and territorial integrity of a sovereign State." (S/PV.2108, 11 January 1979, pp. 8-9)</p> <p>Sweden: "Foreign intervention in Kampuchea is a threat to the interests of all small countries. The Swedish Government is opposed to foreign military intervention in Kampuchea, considering it a violation of the [UNCh]" (S/PV.2108, 11 January 1979, pp. 8-9)</p> <p>Colombia: <i>"Any menace to peace, no matter what it is, is an event which causes preoccupation among peoples. I believe that the [UN] should act immediately"</i> (S/PV.2108, 11 January 1979, pp. 8-9)</p> <p>Australia: "The Vietnamese invasion has created risk of serious intensification of the war into a regional conflict which would have serious consequences for all who live in the region. The very fact that Viet Nam has signed an agreement with the Soviet Union that contains security elements tends to introduce the Eastern-bloc approach to politics in South-East Asia" (S/PV.2108, 11 January 1979, pp. 8-9)</p> <p>Romania: <i>"the support given [by Viet Nam] to elements which have risen against the authorities of their own country. There can be no arguments to justify intervention and interference in the affairs of another State, whatever form they may take"</i></p> <p>Yugoslavia: <i>"Every people, including the people of Cambodia, has the right to decide on its own what system it will build. It is quite another question whether this system pleases or does not please someone outside."</i> (S/PV.2108, 11 January 1979, pp. 8-9)</p>
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	<p>Malaysia: <i>### speaking on behalf of the ASEAN countries (A/34/PV.62, 12 November 1979, pp. 1194 ff.)</i> “[Malaysia and the other ASEAN States] strongly deplored the armed intervention and interference in the internal affairs of Kampuchea. At the same time, they called for the immediate withdrawal of all foreign forces from Kampuchean territory. They also reaffirmed the right of the people of Kampuchea to determine for themselves their future, free from interference or influence from outside Powers. As countries very close to the scene of the conflict, the members of ASEAN clearly saw its dangerous implications for the peace and stability of the entire region.”</p> <p>“The intervention in the internal affairs of Kampuchea is the root cause of the present situation. It is of the immediate concern to ASEAN ... should also be of concern to all States Members of the UN, for the intervention is without the slightest doubt a clear breach of the fundamental principles of the UNCh, to which we all subscribe and which we are pledged to uphold... Not to do so would only encourage trampling on the sovereignty, independence and integrity of States, and of the smaller countries of the world in particular”</p> <p>“no country has the right to intervene in the affairs of another for whatever reason or on whatever excuse. Admittedly, there is evidence that the Pol Pot Government had been committing large-scale violations of human rights in Kampuchea, and this had caused deep international concern. Viet Nam claims that it was justified in its military intervention in Kampuchea precisely for this reason. This is a justification that no self-respecting member of the international community could accept”</p> <p>China (PCR): “all Council members and many non-members, except for those of the Soviet bloc, have unanimously condemned the Vietnamese authorities for the most barbarous undeclared war on the military occupation of Democratic Kampuchea, a weak and small non-aligned country, a war which Viet Nam has launched with the full support of the Soviet Union for their respective goals of greater and lesser hegemonism, thus verifying the basic truth as to who is the aggressor and who the victim of aggression” (S/PV/2112, p. 1-2)</p> <p>“the overwhelming majority of the Council members and the great majority of [UN states] recognize the Government of Democratic Kampuchea as the sole legal government and true representative of the Kampuchean people. They all strongly demand that Viet Nam must put an immediate end to its crimes of aggression against Democratic Kampuchea and withdraw forthwith all its aggressor forces from Kampuchea. (...) The Vietnamese representative has kept on saying that what has happened is not Viet Nam’s massive armed invasion of Democratic Kampuchea but a so-called ‘insurgence’ of the Kampuchean people and a ‘civil war’ in Kampuchea – it is the habitual trick used by all aggressors in history to produce a puppet in order to put a legal cloak on their aggression and annexation of a sovereign State. (...) The Vietnamese representative tried to make it appear that it was Kampuchea that had ‘launched’ an ‘aggression’ and a ‘border war’ against Viet Nam and not Viet Nam that had launched an armed invasion of Kampuchea. (...) Viet Nam joined the non-aligned movement only two years before it concluded a treaty of military alliance with the USSR. Following that, the Vietnamese authorities have openly declared that they share the</p>
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		same fate with Soviet social-imperialism and that they are ready to be the ‘solid outpost’ for the Soviet-controlled Warsaw Pact in South-East Asia” (S/PV/2112, p. 2-3)
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811 Cambodia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material

<p>1 yes</p>	<p>4 no spec.</p>	<p>### Arguing (both before and after 1978) that the Vietnamese action was an act of unlawful aggression disguised as an internal revolt ###</p> <p>“the Socialist Republic of Viet Nam came to the point of launching an all-out attack with all the power of its Hilterite armed forces for the conquest of Kampuchea. The irresistible advance of a host of armoured tanks and cars, accompanied by a dozen infantry divisions supported by the most modern heavy artillery, preceded and protected by innumerable aircraft of all types [...] that advance, a veritable German-style blitzkrieg in nature, strangely reminds us of the blitzkriege of the Hilterite armed forces to which so many European countries ... fell victim at the beginning of the Second World War” (S/PV.2108, para. 79)</p> <p>“this war [to be] purely a war of aggression, annexation, colonization and regional hegemonism unilaterally, arbitrarily and unjustly unleashed by the Socialist Republic of Viet Nam against little Kampuchea” (S/PV.2108, para. 83)</p> <p>“If the problem created by the acts of aggression and annexation committed by Viet Nam against Democratic Kampuchea (...) As part of its ‘Indo-Chinese Federation’ strategy, Viet Nam would like to seize control of Kampuchea in order to use it as a springboard for its expansion in South-East Asia” (S/12919, Letter dated 8 November 1978)</p> <p>“For the second time in 60 days, the Security Council called upon Viet Nam to desist from further aggression against Kampuchea, to withdraw all its armed invasion forces from Kampuchea and scrupulously to respect the independence, sovereignty and territorial integrity of Democratic Kampuchea” (S/PV.2129, para. 146)</p> <p>“by making use for the second consecutive time of its right of veto, the [USSR] has confirmed that, along with Viet Nam, it is the instigator of the war now afflicting South-East Asia and that it is in the grip of its ambition of global expansionism, which fits in with the regional expansionist ambition of its Vietnamese satellite, thereby not hesitating to trample under foot the most elementary principles of the [UNCh]” (S/PV.2129, para. 147)</p> <p>“After the failure of the [US] policy of aggression in the region and, in particular, after the complete collapse of the South-East Asia Treaty Organization, the peoples of South-East Asia, having seen through the designs of the imperialists, the expansionists and their partisans, stepped up their struggle in full independence and sovereignty and have resorted to their own means to achieve their aspirations to independence, peace, neutrality and genuine democracy in their respective countries, without military bases or foreign troops on their national territories. The peoples of the countries in that region are resolutely opposed to all forms of foreign interference and intervention, so that their countries may live in genuine independence and sovereignty” (A/32/PV/28, 11 October 1977, para. 31)</p>
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	Code	Material
<p>5. Legitimacy Claim</p>	<p>0</p>	

	Code	Material
6. UNSC Reaction	4 unclear + veto	<i>see Vietnam 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Approving</p> <p>China: <i>### While declaring its neutrality, it called for the withdrawal of Chinese troops from Vietnam and Vietnamese troops from Cambodia stressing that Vietnam had first attacked, itself standing aside of Cambodia (Weisburd, Use of Force, 1997, p. 282) ###</i></p> <p>“It is totally unjustified for the Soviet representative to describe the large-scale armed aggression currently being launched by Viet Nam against Democratic Kampuchea with the support of the Soviet Union as a “civil war” or “internal affair” and to use it as a pretext for opposing in his statement the convening of the formal meeting of the Security Council. The iron-clad fact is that, with Soviet support, Viet Nam has carried out a large-scale naked armed aggression against Democratic Kampuchea, seriously violating the independence, sovereignty and territorial integrity...” (para. 17)</p> <p>“Kampuchea, a small and weak nation loyal to non-alignment, has been subjected to barbarous aggression by Viet Nam with the powerful support of the Soviet Union” (para. 97)</p> <p>“As the whole world is now aware, the truth is that since 25 December of last year the Vietnamese authorities have dispatched a dozen or so divisions of regular troops numbering over 100,000 to launch large-scale attacks on Democratic Kampuchea from various directions under the cover of a large number of aircraft, tanks and artillery. At present, Vietnamese troops have penetrated deep into Kampuchea and occupied a large part of its territory and the capital [...] creating as a result a very grave situation” (para. 98)</p> <p>“The Vietnamese authorities have flagrantly committed an unmasked military aggression against a weak and small neighbor, thus trampling upon the elementary principles guiding international relations and violating the [UNCh] ... The Chinese Government strongly condemns the Vietnamese authorities for their crimes of aggression and supports the Government of Democratic Kampuchea...” (para. 99)</p> <p>“Vietnamese-Soviet collusion for wanton aggression against Kampuchea is undoubtedly a signal of danger for the peoples of South-East Asia” (para. 103) (S/PV/2108)</p> <p>Disapproving</p> <p><i>See Vietnam 9</i></p>

39. Ugandan Tanzanian War 1978-1979

Key data

Duration: 28.10.1978 – 11.04.1979; Parties: Tanzania vs. Libya, Uganda; Initiator: Uganda.

500 Uganda

	Code
Law invoked?	2 No

1. Justificatory claim	2 Source of law	Contestation about					Material
		3 facts	4 interpretation	5. exceptional circumstances	6 abstr. gen. level	7 validity	
0	0	0	0	0	0	0	<p>### The threshold for a legal claim is not reached as legal concepts and legal language were not mentioned and can only be inferred. ###</p> <p>Idi Amin, 13 October 1978: "I will not cross an inch into Tanzania; but if we are provoked by an open aggression of this nature, then it is only right for us to defend our people, property and territorial integrity." (Africa Contemporary Record, Vol. XI, 1978-79, B 426)</p>

					<p>Over the next two weeks, Amin issued daily reports of the fighting that was supposedly going on to repel the 'invading forces' of Tanzania; he claimed these were finally driven out on 25 October. (Africa Contemporary Record, Vol. XI, 1978-79, B 426)</p> <p>Having fought an entirely imaginary war with Tanzania throughout the last weeks of October, Amin announced on 1 November 1978 that, in reprisal for 'Tanzania's invasion', he had annexed the Kagera Salient." (Africa Contemporary Record, Vol. XI, 1978-79, B 426)</p> <p><i>### We debated extensively whether this sufficiently entails a legal claim. We decided against, as legal concepts and legal language were not mentioned and can only be inferred. ###</i></p> <p>"President Amin of Uganda said in Kampala today that he had confirmation of Tanzanian troops crossing into Uganda last week. He added that they were now more than 15 miles inside Uganda" (The Times, 16 October 1978, p. 6)</p> <p>"The Uganda Government today claimed that Tanzanian troops, backed by Cubans, had invaded Uganda capturing the small western border town of Mutukula before advancing inland.(...) But Mr Ben Mpaka, the Tanzanian Foreign Minister, speaking in Dar es Salaam today, denied the current invasion charge, describing it as "absolute nonsense". Earlier this month President Amin announced that Tanzanian troops had advanced 15 miles inside Uganda. Today's announcement came from Uganda radio only 12 hours after President Amin had said all the Tanzanians involved had been driven out of the country." (The Times, 27 October 1978, p.4)</p> <p>"Der ugandische Präsident Idi Amin hatte am vergangenen Freitag behauptet, tansanische Einheiten seien in sein Land eingedrungen. Diese Behauptungen waren von Daressalam energisch bestritten worden." ("Grenzkonflikt zwischen Uganda und Tansania", Frankfurter Allgemeine Zeitung, 01.11.1978, S.2, https://www.faz-corporate.de/faz-portal/document?uid=FAZH__781101_FAZ_0002_2_0007&token=18ad0443-0118-4aef-b61f-582a9815ca02&p._scr=faz-archiv&p.q=Der+ugandische+Präsident+Idi+Amin+hatte+am+vergangenen+Freitag+behauptet&p.source=&p.max=10&p.sort=&p.offset=0&p._ts=1677679745479&p.DT_from=01.11.1949&p.timeFilterType=0 (accessed on 01 January 2023))</p> <p>Idi Amin claimed that Tanzanian troops had crossed into Ugandan territory repetitively prior to October 28, 1978 (see Tesón, Humanitarian Intervention (2006), p. 228; Roberts, The Uganda–Tanzania War, the fall of Idi Amin, and the failure of African diplomacy, 1978–1979, Journal of</p>
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							Eastern African Studies (2014), p. 694; Chan in Reuys/Corten, p. 258; Pirouet, Historical Dictionary of Uganda (1995)) ###FK: These claims cannot be confirmed or denied by a neutral party. However, they seem dubious. (Chan in Reuys/Corten, p. 258, Roberts (2014), 694)###
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	Having fought an entirely imaginary war with Tanzania throughout the last weeks of October, Amin announced on 1 November 1978 that, in reprisal for 'Tanzania's invasion', he had annexed the Kagera Salient." (Africa Contemporary Record, Vol. XI, 1978-79, B 426)

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	Foreign Ministry of Tanzania: "Whenever President Amin is in trouble, he looks for a scapegoat. It is nonsense" (Africa Contemporary Record, vol. XI 1978-1979, B 393; Keesing's Contemporary Archives, vol. 25, 1979-1980, 29669).

	<p>“With the exception of Ethiopia’s military leader, Col Menistu Haile Mariam, Madagascar and Nyerere’s four colleagues in the Front-line States (Angola, Botswana, Mozambique and Zambia), no African leader raised his voice to condemn Amin’s aggression.” (African Contemporary Archive, Vol. XI, 1978-79, B394)</p> <p>Kenya: “The Government of Kenya appealed to both sides on Oct. 31 to ‘end all propaganda and provocative acts’ and offered to mediate in the dispute.” (Keesing’s Contemporary Archives, vol. 25, 1979-1980, 29669).</p> <p>US Foreign Secretary Cyrus Vance, 3 November 1978: “Our position is very clear; there is a clear violation of Tanzania’s frontier by Uganda. We support President Nyerere’s position according to which Ugandan troops must withdraw immediately.” (Keesing’s Contemporary Archives, vol. 25, 1979-1980, 29669)</p>
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620 Libya

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
10 denial of involvement	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	<p>“The Libyan Government of Col. Muammar el-Qaddafi, which is believed to have thrown its forces behind President Amin because he is a fellow Moslem and an anti-Zionist, has denied that it had sent any troops, asserting that the only Libyans in Uganda were medical workers teachers and technicians. “ (“Pullouts of Libyans in Uganda reported”, The New York Times, 08.04.1979, p. 9, https://timesmachine.nytimes.com/timesmachine/1979/04/08/111701573.html?pageNumber=9 (accessed on 01 January 2023))</p>

							“Following US State Department accusations that Libyan Troops had been airlifted to Uganda, the Libyan Jana news agency stated on March 6 that such reports were ‘completely false and groundless’ and that all Libyans in Uganda were ‘teachers, bank employees or medical staff’ and that Libya had been ‘making all possible efforts to stop the fighting between brotherly African countries’” (Keesing’s Contemporary Archives, vol. 25, 1979-1980, 29673)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	

510 Tanzania

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
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5.1.	5 humanitarian	<p>"A strange tendency in Africa (...) a tendency which if we do not consider it carefully, will badly damage respect for our continent... Amin is a killer. Since he took over the leadership of Uganda- and I am not sure whether I should call it leadership or oppression – he has killed many more people than Smith has done. He has killed many more people than Vorster has done in SA. But there is a strange habit in Africa: an African leader, so long as he is an African, can kill Africans just as he pleases, and you cannot say anything. If Amin was White, we would have passed many resolutions against him. But he is Black, and Blackness is a licence to kill Africans. And therefore there is complete silence; no one speaks about what he does. " (Tanzanian President Nyerere, African Contemporary Record, vol. XI (1978-9), B 394)</p> <p>"A statement issued by the Tanzanian Ministry of Foreign Affairs on April 12th saluted the defeat of the Amin regime and the formation of a new government as 'a tremendous victory for the people of Uganda and a singular triumph for freedom, justice and human dignity'." (Africa Research Bulletin, 1977, p. 5223)</p>
5.2.	12 other (enforcement of international law)	<p>Tanzanian President Nyerere, "Invaders Establish Control in Kampala and Call on All Ugandans to Hunt Amin", New York Times 13 April 1979; cited in Wheeler, Saving Strangers, p. 120.</p> <p>"There are people who are accusing me of breaking international law (...) What law did we contravene? Should one let a thief get away with his crime?"</p> <p>Tanzanian President Nyerere, "He said that Tanzania's main task had been 'to punish dictator Amin', but stressed that Amin's removal from power had been the work of Ugandans and not Tanzanians. (...) Therefore, he said, 'Tanzania decided to act the policeman. We entered and punished him.'" (Africa Research Bulletin, 1977, p. 5223-4)</p>

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Sudan, Morocco and Nigeria all criticized Tanzania (Weisburd, Use of Force, p. 42).</p> <p>"The tepid response to Amin's requests made clear that the international community was – if not to permit the intervention – then to acquiesce to it, regardless of non-compliance with international law. The unwillingness of the OAU to condemn Tanzania for its violation of the organization's charter, and the UN General Assembly and Security Council's refusal to debate the situation is particularly telling of the consensus amongst the majority of states as to the "right" course of action. " (Chan in Reuys/Corten, 263).</p>

40. Khmer Insurgency 1979-1989

Key data

Duration: 9.1.1979 – 25.9.1989; Parties: Cambodia, Vietnam vs. Khmer Rouge; Initiator: Vietnam.

811 Cambodia

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	"Sihanouk announces that the Vietnamese offensive in Cambodia would wipe out most of Pol Pot's remaining Communist regime, opening the way to power for a new federation of Cambodian exiles and predicting that "China will have no choice but to support [Cambodia]" (Statement by Prince Sihanouk in: "Shihanouk predicts he'll regain power", The New York Times, 12.10.1979, p.7, https://timesmachine.nytimes.com/timesmachine/1979/10/12/112130797.html?pageNumber=7 (accessed on 20 July 2022))

	Code	Material
6. UNSC Reaction	4 unclear + veto	S/13027: Draft resolution vetoed by the USSR on 15 January 1979
7. UNGA Reaction	3 unclear	<i>see Vietnam 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Vietnam 9</i>

816 Vietnam

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	2 No	2 No	2 No	2 No	<p>“More than 10 years ago, exercising the legitimate right of self-defence in safeguarding the territorial Fatherland, integrity of their punishing the pol pot clique’s aggression and responding to the call of the United Front for the National Salvation of Kampuchea and the Cambodian people, the Vietnamese troops went into Cambodia and fought shoulder by shoulder with the Cambodian revolutionary armed forces and people, smashing the Pol Pot regime, saving the Cambodian people from the scourge of genocide and quenching down a hot-bed of war in South East Asia. Afterwards, at the request of the State of Cambodia, the Vietnamese volunteer troops stayed on in Cambodia to help the people and the revolutionary armed forces of Cambodia in their defence of the rebirth of Cambodia against the pol pot clique's and other hostile forces who were attempting to restore the genocidal regime in Cambodia.” (S/20879, Letter Vietnam to UNSC of 2.10.1989, p. 1)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	4 unclear + veto	<i>see Cambodia 6</i>
7. UNGA Reaction	2 disapproves	<p>UNGA Res 34/22: “noting with great concern that the armed conflict in Kampuchea has escalated and is seriously threatening the peace and stability in South-East-Asia, deeply regretting the armed intervention by outside forces in the internal affairs of Kampuchea”</p> <p>UNGA Res 36/5: “deploring that foreign armed intervention continues and that foreign forces have not been withdrawn from Kampuchea, thus causing continuing hostilities in that country and seriously threatening international peace and security”</p> <p>UNGA Res 37/6: “reiterated its conviction that withdrawal of all foreign forces from Kampuchea, restoration and preservation of its independence, sovereignty and territorial integrity, the right of the people to determine their own destiny, and commitment by all States to non-interference and non-intervention in the internal affairs of Kampuchea were the principal components of a just and lasting solution”</p> <p>UNGA Res 38/3: "reaffirming the need for all States to adhere strictly to the principles of the Charter of the United Nations, which call for respect for the national independence, sovereignty and territorial integrity of all States, non-interference and non-intervention in the internal affairs of Kampuchea are the principle components of any just and lasting resolution of the of Kampuchean problem"</p> <p>UNGA Res 39/5: "convinced that, to bring about a durable peace in South-East Asia and reduce the threat to international peace and security, there is an urgent need for the international community to find a comprehensive political solution (...) Reiterates its conviction that the withdrawal of all foreign troops from Kampuchea, the restoration and the preservation of its independence, sovereign and territorial integrity (...) are the principal components of any just and lasting resolution of the Kampuchean problem"</p> <p>UNGA Res 41/6; UNGA Res 42/3; UNGA Res 43/19</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	Disapproving

		<p>China (PRC): <i>### support for Kampuchea against aggression by Vietnam and the USSR</i></p> <p>"The Vietnamese aggressors, aided and abetted by Soviet social imperialism, launched a frenzied and savage aggression on an unprecedented scale against Democratic Kampuchea in defiance of the strap, opposition of the world's people and the stern condemnation of international opinion." (S/13030, Letter dated 14 January 1979)</p> <p>"The Kampuchea is only a hastily rigged-up puppet and tool of Vietnam and the Soviet Union, and it is utterly illegal (S/13030, Letter dated 14 January 1979)</p> <p>"This change in the Kampuchean war situation poses a direct threat to the security of the south-east Asian countries" (S/13030, Letter dated 14 January 1979)</p> <p>"The representative of China maintained that Vietnamese aggression against and occupation of Kampuchea was the root cause of the threat to stability and peace in South-East Asia and should be considered separately as a first priority" (UNYB 1979, p. 281)</p> <p>"The representative of China said that Viet Nam's aggression against Kampuchea was a gross violation of the United Nations Charter." (UNYB 1979, p. 282)</p> <p>"China, declaring that it did not wish to control Kampuchea, said that after Viet Nam withdrew its troops from that country China was willing to join others in an international guarantee that no State would occupy Kampuchea and use it to violate the independence and sovereignty of any other State or interfere in Kampuchea's internal affairs." (UNYB 1982, p. 339)</p> <p>"Viet Nam must declare such withdrawal; the USSR must cease support of Viet Nam's aggression against Kampuchea" (UNYB 1983, p. 226)</p> <p>"Vietnamese aggressor troops attacked the border areas between Kampuchea and Thailand (...), intruded into the territory of Thailand, posing a serious threat to Thailand's security. The Chinese Government and people express their great indignation at the Vietnamese authorities' criminal acts and sternly condemn them" (S/15687, Letter dated 5 April 1983)</p> <p>"The Sino-Soviet relations cannot be improved and normalized, as long as the Soviet Union continues to support Vietnam in its war of aggression and occupation of Kampuchea" (S/18336, Letter dated 11 September 1986)</p> <p><i>### For further condemnation by China of Vietnam for its act of aggression and supporting the Thai Government's position see: UNYB 1984, p. 215; UNYB 1985, p. 223; S/16467, Letter dated 4 April 1984; S-16970, Letter dated 19 February 1985###</i></p>
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		<p>United States: “if Vietnam could invade, subjugate and occupy a neighbouring State by brute force and with impunity, and retain the prize of its aggression, the security of all States was substantially diminished” (UNYB 1981, p. 244)</p> <p>Thailand: “Thailand complained of numerous incursion into its territory and violations of its airspace and water, condemning these violations as unprovoked acts of aggression [and] reaffirming its right to take steps to defend its territorial integrity and protect life and property of its nationals” (UNYB 1982, p. 343)</p> <p>“Thailand complained of numerous armed incursions into its territory by Vietnamese forces operating from Kampuchea and reaffirmed its right to defend its territory and to protect its nationals” (UNYB 1983, pp. 224 f.)</p> <p>“The Royal Thai Government condemns in the strongest terms this indiscriminate shelling over the Thai-Kampuchea border by the Vietnamese forces in Kampuchea. (...) The Royal Thai Government once again wishes to reaffirm its intention to invoke every means available to protect the lives of innocent Thai citizens and to safeguard the sovereignty and territorial integrity of Thailand from these hostile acts perpetrated by foreign forces illegally occupying Kampuchea.” (S/15559, Letter dated 7 January 1983)</p> <p><i>### See also: S/15594, Letter dated 4 February 1983 for Thailand's position.</i></p> <p>“condemns such unprovoked and blatant acts of aggression by Vietnamese forces against Thai sovereignty and territorial integrity as well as crimes against unarmed and innocent Kampuchean civilians, and once again, reaffirms its legitimate right to undertake all measures necessary to safeguard the sovereignty and territorial integrity of Thailand and to protect the lives and property of the Thai people” (S/15706, Letter dated 14 April 1983)</p> <p>“reaffirmed its legitimate right to take measures to safeguard Thailand’s sovereignty and territorial integrity” (UNYB 1985, p. 221)</p> <p>“demanded that Vietnam immediately cease its hostile actions” while announcing “acts of aggression by Vietnamese forces in violation of Thailand’s sovereignty and territorial integrity” (UNYB 1985, p. 222; S/16960)</p> <p>complained of “recent acts of crime and aggression against [its] sovereignty committed by Vietnam’s forces illegally occupying Kampuchea”; “demand[ing] that Vietnam immediately cease its provocation and acts of aggression” and “reaffirm[ing] its legitimate right to take all measures to safeguard Thailand’s sovereignty and territorial integrity” (S/17771)</p> <p>Singapore: “Vietnam’s claims did not conform to well-established rules of international law” (UNYB 1986, p. 210; A/41/967)</p>
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	<p>ASEAN (Indonesia speaking on behalf of the ASEAN States): call for the immediate withdrawal of all foreign force from Kampuchea; urge to UNSC to restore peace and security (UNYB 1979, p. 272; S/13014; S/13025; A/34/191)</p> <p>condemnation of “unprovoked and indiscriminate attacks by Vietnamese forces” against Kampuchean civilians (UNYB 1983, p. 225)</p> <p>condemnation of “the Vietnamese forces for their military attacks in Kampuchea and Thailand” (UNYB 1984, p. 215) “deplored the escalation of fighting along the border, which had led to the exodus of tens of thousands of Kampuchean refugees into Thailand, calling on Vietnam to heed the desire of the international community for an early and comprehensive political settlement (...) and to abandon its policy of military occupation” (UNYB 1985, p. 222)</p> <p>“deep concern at what they termed the continued illegal occupation of Kampuchea by Vietnamese forces, deplores Vietnams recent dry-season border offensive and aggression, and were of the view that Vietnam’s partial withdrawal of troops in April was mere troop rotation” (UNYB 1985, p. 224)</p> <p>“the present Vietnamese occupation of Thai territory is not only a clear violation of international law and the UNC but also a violation of the sovereignty and territorial integrity of Thailand. It is with the same disregard for international law and the UNC that Vietnam has occupied Cambodia”, wherefore “ASEAN strongly condemns Vietnam for its present aggression against Thailand and calls on Vietnam to withdraw its troops immediately” (S/18877)</p> <p>Approving</p> <p>USSR & Czechoslovakia: “The representative of the USSR charged that China had begun and was continuing an unprovoked aggressive war against Viet Nam and that China’s invasion was a constituent element of its general expansionist policy which it had pursued for a number of years vis-à-vis South-East Asia in general and Viet Nam in particular. He said that China’s aggression had created a serious threat to peace and security not only in that region but throughout the world. The Security Council must categorically condemn the Chinese Government for its actions against Viet Nam and take decisive measures to put an end to its aggression. The USSR introduced a draft resolution, cosponsored by Czechoslovakia, which would have had the Security Council: strongly condemn China’s aggression against Viet Nam. (UNYB 1979, p. 281)</p> <p>“The Vietnam, backed by the Soviet Union (...)” (Sihanouk Fails to Get U.S. Support, NYT, 23.02.1980, p.3, https://timesmachine.nytimes.com/timesmachine/1980/02/23/112052632.html?auth=login-email&pageNumber=3 (accessed on 20 July 2022))</p>
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Khmer Rouge (Kampuchea)

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<p>“Democratic Kampuchea’s military, political and diplomatic activities were assessed by its Council of Ministers in a 7 January statement reviewing 1980, transmitted on 12 January 1981,(1) and a 19 May statement covering the dry season (October 1980-April 1981), transmitted on 1 June.(10) On both occasions, the Council cited favourable developments in what it called the struggle for national survival against the Vietnamese aggressors. The military situation was described in two communications from Democratic Kampuchea annexing information from the Military High Command of its National Army and guerrillas. According to a map and explanatory note on the February situation, transmitted on 16 March,(6) there had been a perceptible expansion of the zone under Democratic Kampuchea’s control; and in a 12 May communiqué on the military results of the dry season, transmitted on 3 June,(11) the High Command stated that 45,000 of the enemy had been killed or wounded.” (UNYB 1981, p. 240)</p> <p>“But the heroic Kampuchean people and the heroic Revolutionary Army of Kampuchea have put up a heroic resistance, as standard bearers of the independence, sovereignty and territorial integrity of glorious Democratic Kampuchea, and of the honour and dignity of the nation and people of Kampuchea. They are determined to fight the Vietnamese enemy aggressors and their masters and are imbued with an implacable hatred and with a most sublime revolutionary heroism.” (S/13032)</p> <p>“Vietnamese aggression” (UNYB 1979, p. 273; S/13032; S/13024)</p>

Letter sent in accordance with Art. 51 UNCh	1 yes S/13032 of 15 January 1979
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	4 unclear + veto	<i>see Cambodia 6</i>
7. UNGA Reaction	3 unclear	<i>see Vietnam 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Vietnam 9</i>

41. Sino-Vietnamese Punitive War 1979

Key data

Duration: 17.02.1979 – 16.04.1979; Parties: People’s Republic of China (PRC) vs. Vietnam; Initiator: People’s Republic of China (PRC).

710 China (People’s Republic of China)

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	1 Treaty	1 Yes	1 Yes	2 No	2 No	2 No	<p>“With reference to the question of the Sino-Vietnamese border conflict, which is the sole making of the Vietnamese authorities, the Chinese delegation deems it necessary, first of all, to stress that Viet Nam’s massive armed aggression and military occupation of Democratic Kampuchea is a question entirely different in nature from China’s being compelled to make a limited counter-attack in defence of the Chinese frontier, as a result of the wanton provocation of border conflicts on the Sino-Vietnamese border by the Vietnamese authorities. The former-namely, Viet Nam’s aggression against Kampuchea-constituted a gross violation of the Charter of the United Nations and norms of international law and poses a serious threat to international peace and security. The latter-namely,</p>

						<p>China's self-defensive counter-attack-however, is a necessary action of self-defence taken by any sovereign State in accordance with Article 51 of the Charter. Any attempt to confuse the two and treat them equally only serves to confound right and wrong and condone the real aggressors, and is therefore inadmissible." (S/PV.2114, para. 103)</p> <p>1.3 Contestation about facts "[...]the Vietnamese authorities have massed a large number of troops in an organized and planned way along the Sino-Vietnamese border, ceaselessly creating incidents and carrying out armed provocations and hostile acts there. According to incomplete statistics, in 1974 Viet Nam provoked over 100 incidents on the Sino-Vietnamese border, in 1975 the figure rose to 400 or more, in 1976 it dramatically increased to over 900, in 1977 to 752, and in 1978 to a total of 1,108. In the past six months alone, the Vietnamese authorities have encroached upon the Chinese border in 162 places, carried out armed provocations against China on more than 700 occasions and killed or wounded more than 300 Chinese border guards and inhabitants. Recently, the Vietnamese authorities have frequently sent armed troops to encroach upon Chinese territory, and attack Chinese frontier personnel and inhabitants, thus seriously menacing the peace and security of China's border. These are grave armed provocations and aggressive acts against China committed by the Vietnamese authorities." (S/PV.2114, p. 11, para. 105) (### <-> Vietnam claimed PRC started the war, see below)</p> <p>1.4 Contestation about interpretation ## China's claimed was contested on the application, as it had claimed that it was reacting to "provocations" along the border with Vietnam. The Vietnamese actions were not classified as aggression or armed attack as generally required by Art. 51 UNCh. Vietnam challenged this interpretation. Therefore, we coded a contestation of the interpretation of China's claim. ###</p>
Letter sent in accordance with Art. 51 UNCh	1 yes	<p>"Upon instructions from the Government of the People's Republic of China and <i>in accordance with Article 51 of the United Nations Charter</i>, I have the honour to transmit to you herewith the full text of the statement issued by the Xinhua News Agency on 17 February 1979 upon authorization of the Chinese Government [...] If we are attacked, we will certainly counterattack. The Chinese frontier troops are fully justified to rise in counterattack when they are driven beyond forbearance. He want to build up our country and need a peaceful international environment. [...] After counter-attacking, the Vietnamese aggressors as they deserve, the Chinese frontier troops will strictly keep to defending the border of their own country. "</p> <p>(Letter to the UN Sec-Gen, A/34/91, 17 February 1979)</p>				

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	4 unclear + veto	<p>USSR draft resolution – not put to a vote: <i>### The USSR introduced a draft resolution which would strongly condemn China's aggression against Viet Nam and demand that China immediately withdraw its troops from Vietnamese territory. However, this draft was not put to a vote (UNYB 1979, p 281)</i></p> <p>PRC draft resolution – not put to a vote: <i>### China submitted a draft resolution which would condemn Viet Nam for its armed aggression against and military occupation of Democratic Kampuchea. This draft was also not put to a vote, (UNYB 1979, p. 282)</i></p> <p>ASEAN draft resolution – vetoed by the USSR: <i>### Indonesia, Malaysia, the Philippines, Singapore and Thailand introduced a draft that would urgently call upon all parties to cease all hostilities in the region. The draft was vetoed by the USSR as China was not being condemned for the invasion of Viet Nam (UNYB 1979, p. 284)</i></p>
7. UNGA Reaction	4 no reaction	<i>### The UNGA did not address the conflict between PRC and Vietnam</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	USSR:

	<p>“The incursion of Chinese troops into Viet Nam represents a flagrant act of aggression. The actions of the Peking leadership run counter to the principles of the United Nations and flagrantly violate international law.” - S/PV.2114, p 1 § 5; “The whole world has witnessed the flagrant crime committed by the Maoist rulers of China against a sovereign socialist State, a Member of the United Nations. Divisions of Chinese aggressors with artillery support, tanks and aircraft have undertaken a massive invasion of the territory of the Socialist Republic of Viet Nam. They began and are continuing to wage an unprovoked aggressive war, sowing death and destruction everywhere.” (S/PV.2114, p. 1, para. 5)</p> <p>Czechoslovakia: “The state of affairs in Asia, which has arisen as a result of the dastardly act of aggression of China against the Socialist Republic of Viet Nam, requires only one thing as a matter of urgency: the immediate cessation of the Chinese aggression.” (S/PV.2114, p. 2 para. 15)</p> <p>USA: “We are aware that there have been many incidents along the frontier between Viet Nam and China and that the two countries have been in serious disagreement for some time. But this in no way gives China the right to attack Viet Nam, any more than Viet Nam’s dispute with Cambodia gave Viet Nam the right to overrun that country.” (S/PV.2114, p. 4, para. 39)</p> <p>Norway: “We appeal to China to cease forthwith all military operations against Viet Nam and to withdraw its forces from that country. These operations are in clear violation of fundamental principles of international law and of the Charter of the United Nations. They cannot in any way be justified.” (S/PV.2114, pp. 7f. para. 77)</p> <p>India: “The last few days have seen a flagrant violation of these principles. The unfortunate victim is a non-aligned country which is once again gallantly defending itself against tremendous odds. The Prime Minister of India expressed his profound shock and distress at the outbreak of hostilities between China and Viet Nam, hostilities that could escalate and endanger world peace. He called for the immediate restoration of peace and, as a first step towards peace, he urged the withdrawal of Chinese forces from Vietnamese territory.” (S/PV.2115, p. 18, para. 181)</p> <p>United Kingdom: “The Charter enjoins all Member States to eschew the use of force in resolving disputes. Whatever the provocation, and the Council has heard two versions of the facts, my Government deplores the Chinese armed attack on Viet Nam. We have impressed on the Government of China the need for China to withdraw from Viet Nam. We urge them today to do so immediately.” (S/PV.2115, p. 2, para. 17)</p>
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816 Vietnam

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	<p>“On 17 February 1979, the Chinese rulers brazenly started a war of aggression against Viet Nam. [...] Their war of aggression has grossly trampled upon the most elementary principles in international relations and the United Nations Charter. [...] In the face of that aggression by the reactionary Chinese rulers, the Vietnamese people and army have no alternative but to exercise their legitimate right to self-defence and resolutely fight back against the aggressors.” (Letter to the UN SecGen, S/13097 (Annex))</p> <p>1.3 Contestation about facts <i>### contestation in terms of the scale of the Chinese attacks</i> “The Chinese authorities have openly begun a war of aggression against Viet Nam. This is in no way a frontier war; it is an outright war of aggression involving extremely dangerous and unforeseeable consequences, for which China must assume full responsibility.” (S/PV.2115, p. 9, para. 88; para. 91) “[...] the Peking authorities are continuing their campaign of lying propaganda. They are trying to make everyone believe that these are only defensive counter-attack military operations near the frontier, involving only frontier forces, that the fighting is going on solely on Chinese territory, that the Vietnamese armed forces are having to withdraw, and so on.”</p> <p>1.3 Contestation about facts <i>### contestation in terms of the alleged preceding Vietnamese attacks</i></p>

							“First of all, they are inventing wholesale the so-called Vietnamese aggression. They accuse Viet Nam of being ‘destined to destroy the four modernizations of China’, which in their eyes obliges them to take reprisals in order to ‘punish’ Viet Nam with a view to establishing ‘a frontier of peace and stability’. The picture drawn by the representative of China yesterday for the Council concerning the so-called acts of provocation by Vietnamese armed forces on the Viet Nam-China border is just a tissue of lies by which they seek to pass off as ours their own violations of the frontier and their crimes against our frontier population.” (S/PV.2115, paras 106 f.)
Letter sent in accordance with Art. 51 UNCh	1 yes	### See letter S/13097 (Annex) above, addressed, however, to the UN Sec-Gen and, while invoking self-defence, not expressly referring to Art 51 UN Charter. Similarly, letter A/34/104, S/13134 (4 March 1979), letter A/34/107, S/13144 (6 March 1979), letter A/34/170, S/13234 (12 April 1979) and further letters invoked self-defence without reference to Art 51 UNCh.###					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	see China (PRC) 6
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	The Czechoslovak Socialist Republic:

	<p>“The aggression of China against Viet Nam is also a warning to its ‘new friends’ who, as they put it, together with China want to defend Asia against ‘hegemonism’. For the moment, the first country to be defended is Viet Nam.” (S/PV.2114, para. 137)</p> <p>USSR: “The heroic Vietnamese people are properly and worthily resisting the Chinese aggressor on their own soil. They are relying on the help of their friends, all people of goodwill and all peace-loving States. By no attempts or devices will the Chinese leadership succeed in concealing their criminal acts or avoiding responsibility for those actions.” (S/PV.2114, para. 6)</p> <p>Cuba: “Today, yet again, the people of Viet Nam is defending its independence and its sovereignty. Harking back to Nazi Germany, on 17 February the new band in power in Peking undertook a large-scale aggression all along the frontier of Viet Nam, making massive deployments of troops and engines of war and penetrating deeply into the territory of Viet Nam. From the first moment they met with the resolute resistance of local forces and Vietnamese militia, which have inflicted heavy losses, both human and material, on the invading troops.” (S/PV.2115, para. 158)</p> <p>German Democratic Republic: “The treacherous attack by China on the Socialist Republic of Viet Nam is particularly abominable for another reason, namely, that in the case of the Vietnamese people we are talking about a people that has for decades been forced to fight for and to defend its national freedom and independence, making sacrifices and enduring privation. The wounds of the last war against foreign intervention have hardly had time to heal. The destruction wrought by years of warfare and the consequences of natural disasters have not had time to be repaired, and yet this heroic people has once again been forced to take up arms to defend its freedom, this time against the followers of the Chinese feudal lords.” (S/PV.2116, para. 58)</p> <p><i>### Other States (not so closely affiliated with Viet Nam), in condemning the PRC as the aggressor (see above), at least implicitly approved of Vietnam’s use of force. Therefore, it is appropriate to code this as approval.###</i></p>
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42. Soviet Quagmire 1980-1989

Key data

Duration: 22.2.1980 – 15.2.1989; Parties: USSR, Afghanistan, Mujahideen; Initiator: USSR and Afghanistan.

365 Soviet Union (USSR)

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	1 Treaty	1 Yes	1 Yes	2 No	2 No	2 No	<p>### This claim does not relate directly to the justification of armed action against the Mujahideen but rather to the preliminary question of Soviet presence in Afghanistan per se. ###</p> <p>“The events in Afghanistan are the internal affair of Afghanistan and relations between Afghanistan and the Soviet Union are based on the relevant mutual treaty obligations.” (S/PV.2185, UNSC meeting 5 January 1980, para. 11)</p>

						<p>“Over the last two years, the Government of Afghanistan repeatedly appealed to the Soviet Union for support, including the affording of military assistance, in order to repel armed intervention from outside. The decision of the Soviet Union to send a limited military contingent to Afghanistan-exclusively for those purposes-was taken in response to those repeated requests by the Government of Afghanistan and based on the appropriate provisions of the Treaty of Friendship, Good Neighbourliness and Co-operation between the Union of Soviet Socialist Republics and the Democratic Republic of Afghanistan of 1978. (...) No one, not even the Security Council, can cast doubt on the legitimate right of Afghanistan to appeal to friendly countries for help, and particularly to those countries with which it has appropriate international agreements.” (S/PV.2185, paras. 16, 17)</p> <p><u>1.4 contestation about application</u> <i>### Most States, however, did not consider the government that had allegedly invited the Soviet Union as the legitimate government chosen freely by the Afghan people. (See statements below; also implied by relevant UNGA Resolutions.) ###</i></p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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<p>5. Legitimacy Claim</p>	<p>7 enforcing a specific political system</p>	<p>### promoting communism (“progressive and revolutionary changes”): “Gangs of counter-revolutionary terrorists infiltrated into the country from neighbouring States, mainly from the territory of Pakistan, intimidate and rob people, kill men, women and children and destroy industrial and agricultural facilities and social and cultural institutions, particularly schools. All this clearly shows that the undeclared war against democratic Afghanistan is a war against progressive and revolutionary changes in that country and against the vital interests of the entire Afghan people.” (UNGA, statement of 16 November 1981, A/36/PV.58, para. 95)</p> <p>### Taking action as counter-intervention “It will be recalled that at one time, contrary to the obvious and well-known facts, those that mounted an armed struggle against the Afghan people and their achievements tried to deny their involvement in this flagrant violation of international law, counting on the so-called covert operations to be carried out by military and special services personnel. But the ‘secret’ is gradually coming out into the open.” (UNGA, statement of 16 November 1981, A/36/PV.58, para. 98)</p> <p>“Surprisingly, those in Washington who have declared a crusade against ‘international terrorism’ are in fact encouraging Afghan insurgents who terrorize their own people and are providing material support for their criminal acts. They brand as terrorists those who fight for the just and inalienable rights of the Palestinians while hailing as ‘freedom fighters’ those who kill children, teachers and clergymen in Afghanistan. Is there any logic in all of this?” (UNGA, statement of 16 November 1981, A/36/PV.58, para. 103)</p>
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	Code	Material
<p>6. UNSC Reaction</p>	<p>4 unclear + veto</p>	<p>### Debated the initial Soviet invasion of Afghanistan but, as a result of a Soviet veto, passed no substantive resolution (Y: 13 N: 2 – Soviet Union, GDR). The UNSC then transferred the issue to the UNGA and did not take up the issue again in the following years (UNYB 1980, pp 297 ff). However, in 1988, it adopted Res 622, taking measures subsequent to the Geneva Accords.</p> <p>“This draft would have had the Council: reaffirm its conviction that the preservation of the sovereignty, territorial integrity and political independence of every State was a fundamental principle of the Charter, a violation of which on any pretext was contrary to its aims and purposes; deeply deplore the armed intervention in Afghanistan, which was inconsistent with that principle; and affirm that the sovereignty, territorial integrity, political independence and non-aligned status of Afghanistan had to be fully respected. The Council would have called for the immediate and unconditional withdrawal of all foreign troops from Afghanistan in order to enable its people to determine their own form of government and choose their economic, political and social systems free from any outside intervention, coercion or constraint [...]” (UNYB 1980, p. 298-9)</p> <p>### Explanations relating to the Soviet veto: “The delegation of the Soviet Union most vigorously objects to the consideration in the Security Council of the so-called question of the situation in Afghanistan, as is proposed in the letter dated 3 January of this year from the representatives of the United States, the United Kingdom, China and the countries supporting them. The proposal to involve the Council in the consideration of</p>

		<p>the events occurring in Afghanistan is entirely unfounded and inadmissible, inasmuch as it would be tantamount to intervention on the part of the United Nations in questions relating exclusively to the domestic competence of the people and Government of that country. The events in Afghanistan are the internal affair of Afghanistan and relations between Afghanistan and the Soviet Union are based on the relevant mutual treaty obligations.” (S/PV.2185, UNSC meeting 5 January 1980, para. 11)</p>
<p>7. UNGA Reaction</p>	<p>2 disapproves</p>	<p>1. 1980 Resolution At the beginning of the conflict, the UNGA adopted Res ES-6/2 [voting: 104 to 18; 18 abst.] and Res 35/37 [111 to 22, 12 abst.], both calling for Soviet troop withdrawal and affirming the Afghan people’s right to determine their own form of government.</p> <p>“Gravely concerned at the continuing foreign armed intervention in Afghanistan in contravention of the above principles [non-use of force and peoples’ right to self-determination], and its serious implications for international peace and security [...]; Reaffirms the right of the Afghan people to determine their own form of government [...] free from outside intervention. [...] Calls for the immediate withdrawal of the foreign troops from Afghanistan” (UNYB 1980, pp. 297, 301, 304. Res 35/37)</p> <p>2. Resolutions repeating the initial call for troop withdrawal</p> <ul style="list-style-type: none"> - 1981: UNGA Res 36/34 [Yes: 116 No: 23 Abstentions: 12] (UNYB 1981, p. 237) - 1982: UNGA Res 37/37 [114 to 21 votes, 13 abstentions] (UNYB 82, 354) - 1983: UNGA Res 38/29 [116-20-17] (UNYB 1983, p. 234) - 1984: UNGA Res 39/13 [119-20-14] (UNYB 1984, p. 227f.) - 1985: UNGA Res 40/12 [122-19-12] (UNYB 1985, p. 237f.) - 1986: UNGA Res 41/33 [122-20-11] (UNYB 1986, p. 216f.) - 1987: UNGA Res 42/15 [123-19-11] (UNYB 1987, p. 215) <p>3. Endorsement of the Geneva Accords</p> <p>1988: UNGA Res 43/20 [without vote] called on all Parties to implement faithfully the Geneva peace settlement concluded in April. 1989: UNGA Res 44/15 [without vote], welcomed completion of Soviet troop withdrawal.</p> <p>4. Soviet opposition to UNGA competency in the issue</p> <p>“It is to be regretted that the General Assembly has once again found itself embroiled in an unseemly venture and, contrary to the fundamental principles of the Charter, is being used by some States to interfere in the internal affairs of sovereign Afghanistan.” (UNGA, statement of 16 November 1981, A/36/PV.58, para. 90)</p> <p>“[...] the discussion which has taken place once again demonstrates and confirms the obvious fact that some countries have tried to use it to camouflage the undeclared war they have been waging against Afghanistan. It was not difficult to see that particularly vicious and slanderous attacks on Democratic Afghanistan and its policy were made by those who are the main participants in that war, and above all the United States and Pakistan and certain other countries which support them.” (UNGA, statement of 13 November 1985, A/40/PV.74, p. 42)</p>

		“The initiators of this war against the Democratic Republic of Afghanistan and those who participate in it are trying to use the United Nations to interfere in the internal affairs of that country.” (UNGA, statement of 13 November 1985, A/40/PV.74, p. 46)
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Reactions approving the USSR</p> <p>Democratic Republic of Afghanistan: “We must state emphatically that the limited Soviet contingents are in Afghanistan at the request of its lawful and legitimate Government. They were invited for the sole purpose of repelling armed aggression from outside. These contingents will be withdrawn by agreement between the Afghan and Soviet Governments only when the armed aggression against the Democratic Republic of Afghanistan ceases.” (23 November 1983, A/38/PV.69, para. 92)</p> <p>Ukraine: “The sole reason for the existence of tension around Afghanistan is the incessant armed aggression from outside and other forms of intervention in the internal affairs of the Democratic Republic of Afghanistan which have been undertaken by imperialist and hegemonist forces. It is precisely this kind of intervention which compelled the Government of the Democratic Republic of Afghanistan to appeal to the Soviet Union for assistance to be extended to the Afghan army and people in repelling aggression from outside. [...] The organizers of aggression against the Democratic Republic of Afghanistan are sparing neither resources nor weapons. The clandestine operations of the United States in supporting the Afghan counter-revolutionaries, which began under Carter, have now acquired an open character and have in essence been transformed into the official policy of the United States Government [...]. To equip and train bandits in camps on Pakistani territory, the United States, according to reports from the Western press, has allocated this year about \$ 100 million. Secretary of State Haig did not have to make any great effort in order to obtain the consent of Beijing to transform China into a staging base for equipping the Afghan counter-revolutionaries with weapons [...]” (UNGA, statement of 17 November 1981, A/36/Pv.61, para. 74)</p> <p>Bulgaria: “Nevertheless, the forces of imperialism and hegemonism, which have seen in the work of this revolution a threat to their selfish interests, have not resigned themselves to the choice of the Afghan people. The hostile, frenzied campaign against Afghanistan has turned into direct intervention, into incessant acts of armed intervention designed to undermine the free and democratic development of that country.” – UNGA, 16 Nov 1981, A/36/Pv.59, para 14; “Within the framework of this global strategy, attempts to interfere in the internal affairs of sovereign Afghanistan continue and have been elevated to the level of official policy. The efforts to organize, arm and train anti-Afghan mercenaries and to send them in to perpetrate acts of violence against the civilian population are continuing.” (UNGA, statement of 17 November 1981, A/36/PV.61, para. 15)</p> <p>Czechoslovakia: “Despite the emphatically expressed disagreement of the Government of the Democratic Republic of Afghanistan, the United Nations is once again being drawn into discussion of an item whose title, not to mention its substance, constitutes a routine</p>

	<p>attempt to interfere in the internal affairs of a sovereign State Member of the Organization. [...] a clear violation of the fundamental principles of the Charter. (...) This progress is all the more evident in that the leaders of the Democratic Republic of Afghanistan, have had to devote considerable human, financial, military and other resources to fight the undeclared war which has been waged against the people of that country by the forces of international reaction. Bandits armed with every kind of modern weapon have been infiltrating Afghan territory, killing the peaceful population and carrying out acts of terrorism.” (UNGA, 16 November 1981, A/36/PV.59, paras. 87, 89)</p> <p>German Democratic Republic (GDR): “First, the people of Afghanistan, as well as any other formerly oppressed people, have the vested right to liberate themselves from the bonds of imperialist and colonialist oppression and to embark on the path of national independence. [...] Fourthly, the undeclared war against the Democratic Republic of Afghanistan, as well as all armed and other forms of interference in its internal affairs, is contrary to international law and must be stopped.” (UNGA, statement of 17 November 1981, A/36/PV.60, para. 50)</p> <p>“Negotiations should be held in the first place to create the conditions necessary for the withdrawal of these troops, because the presence of such troops is not the cause of the situation which has been created around Afghanistan but, rather, the consequence of attempts by those in imperialist and hegemonist circles to bring counter-revolution to Afghanistan and to destroy that country’s national independence and non-aligned status.” (UNGA statement, 17 November 1981, A/36/PV.60, para. 51)</p> <p>Reactions approving the Mujahideen / disapproving the USSR</p> <p>China (PRC): “Two years ago, on Christmas Eve, the Soviet Union suddenly unleashed close to 100,000 troops in an undeclared war against its small and weak neighbor, the non-aligned State of Afghanistan, in gross violation of the Charter of the United Nations and the norms of international law. [...] However, the Afghan people, who have a glorious tradition of resisting foreign aggression, have put up a tenacious fight from the very beginning. For two years now, the entire nation has been engaged in guerrilla war throughout the provinces by fighting with weapons captured from the enemies. [...] The international community is duty bound to support in every way possible to the just struggle of the Afghan people.” (UNGA, 16 November 1981, A/36/PV.59, para. 42)</p> <p>United Kingdom: <i>### speaking also on behalf of the EC member States, A/36/PV.59, para. 22 ###</i> “it is now nearly two years since the Soviet Union began its military occupation of Afghanistan, in flagrant breach of its obligations under the Charter. Despite repeated condemnations and calls for withdrawal by the overwhelming majority of the international community, the occupation continues. [...] The tragic sufferings of the Afghan people increase. Innocent men and women lose their lives and homes as the occupying forces attempt to suppress a courageous resistance. The refusal of this staunchly independent people to submit to invasion demonstrates the futility of the arguments put forward by the Soviet Union</p>
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	<p>to justify its military action. It is transparently clear that the wish of the Afghan people is for freedom to determine their own future. This is also their right." (UNGA, statement of 16 November 1981, A/36/PV.59, para. 23)</p> <p>France: "On 14 January 1980 and again on 20 November, almost exactly a year ago, France spoke in favour of resolutions on the situation in Afghanistan that were adopted by the affirmative vote of more than two thirds of the States Members of the Organization. France did so because it considered that the Soviet intervention in Afghanistan constituted an intolerable violation of the sovereignty and territorial integrity of a Member State." (UNGA, statement of 16 November 1981, A/36/PV.59, para. 81)</p> <p>Pakistan: "In a travesty of facts, the Kabul authorities have made Pakistan responsible for the national resistance movement of the Afghan people which is entirely indigenous in character and which springs from their proud national tradition of opposing all foreign domination. Pakistan for its part strictly adheres to a policy of non-interference in the internal affairs of Afghanistan. The allegation that Pakistan is allowing its territory to be used as a base of operations by the Afghan Mujahideens or as a conduit for arms is utterly baseless. Such propaganda is aimed only at misleading world opinion about the true nature and dimensions of the resistance of the Afghan people." (A/37/58, S/14820, Pakistani Letter of 31 December 1981)</p> <p>Iran: "First, it has been suggested that the Islamic Republic of Iran should ignore the violation of the complete and undeniable basic human rights of the Moslem Afghan people through imposition of a puppet regime by an outside force [...]. Thirdly, we have repeatedly heard allegations from the Kabul regime and its backers that the brave and heroic Afghan Mujahideen are reactionary and that their ideals belong to the Middle Ages and somehow they are all the agents of American imperialists. [...] But how can this so-called progressive and popular regime of Kabul justify and rationalize the murder and annihilation of hundreds of thousands of Moslem Afghan people, [...] who have apparently found life in their own homeland unbearable and have fled to neighbouring Pakistan and Iran and who, without any doubt, are facing very difficult conditions? We are certain that had the United States imperialists installed their kind of puppet regime in Afghanistan, they would have been confronted with the same resistance and determination, if not more, by Moslem Mujahideen who are seeking an independent Afghanistan." (UNGA statement of 18 November 1981, A/36/PV.62, paras. 115, 118)</p> <p>"The position of my Government regarding the oppressed Muslim people of Afghanistan, whose homeland has been invaded by the military forces of a permanent member of the Security Council, allegedly and ironically responsible for the preservation of international peace and security, is well known to the international community." (UNGA statement, 23 November 1983, A/38/PV.69, para. 53)</p> <p>Egypt: "To claim that the situation in Afghanistan is a domestic matter and consequently that the United Nations should not interfere in this matter is an argument that must be refuted because it is contrary to truth. This is a matter of a people that has suffered the</p>
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	<p>military intervention of a neighbouring Power, which has imposed a puppet régime on that people in order to achieve its strategic aims in the region.” (UNGA, 17 November 1981, A/36/Pv.60, para. 29)</p> <p>“Egypt’s present stand reaffirms our earlier position and our resolute and continuing opposition to intervention in the internal affairs of States, and confirms our support for the right of peoples to freedom, self-determination and independence. This position is based on our respect for the rules of international conduct and the purposes and principles of the Charter and international law.” (UNGA, 17 November 1981, A/36/PV.60, para. 32)</p> <p>“The present régime in Afghanistan has no legal international basis and therefore cannot possibly express the free will of the Afghan people. Proof of that is provided by the fact that the régime is incapable of exercising its sovereignty throughout Afghanistan, since the Muhajideen control the major part of the country.” (A/36/PV.60, para. 36)</p> <p>“The virtually unanimous support given to the Afghan resistance movement in its effort to regain freedom and independence for the Afghan people is a fact that no one can challenge.” (A/36/PV.60, para. 40)</p> <p>Saudi Arabia:</p> <p>“Two years have already elapsed since the Soviet Union’s occupation of Afghanistan [...]. There is no sign that the Soviet forces have begun to withdraw, so that the Afghan people can determine their own future and choose their own form of government, without foreign pressure. That is the natural right of peoples” [### refers to Art 1 UNCh, the UDHR, ICESCR and the ICCPR ###] (UNGA, statement of 17 November 1981, A/36/PV.60, para. 61)</p> <p>“We shall never accept the Soviet Union’s allegation that the invasion of Afghanistan took place at the request of the legal Government of Afghanistan at the time. That is not true; it is a very weak pretext.” (UNGA, statement of 17 November 1981, A/36/PV.60, para. 65)</p> <p>Singapore:</p> <p>“The representative of the Soviet Union has described the Afghans who are resisting the Soviet occupation of their country as terrorists and bandits. No amount of slander by representatives of the Soviet Union will alter the fact that the Afghan Mujahideen, who are resisting the Soviet occupation of their country and the Soviet puppet regime in Kabul, are freedom fighters. The Afghan Mujahideen are waging an unequal struggle against the sophisticated army of a super-Power. In spite of this we are confident that in the end the Afghan Mujahideen will prevail over the Red Army. They will prevail because they are fighting for the freedom of their fatherland. They will prevail because the brave people of Afghanistan have never succumbed to foreign domination.” (UNGA, statement of 18 November 1981, A/36/PV.62, para. 54)</p>
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700 Afghanistan (Democratic Republic of Afghanistan)

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
9 non-applicability of the prohibition of the use of force	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<p>“What has happened in Afghanistan since the April revolution of 1978, when the despotic Daoud regime was overthrown by the patriotic Afghan forces, is an internal matter and is entirely within the jurisdiction of the Afghan Government. The same applies to the events which have occurred since 27 December 1979, when the Afghan army, supported by the people of Afghanistan, removed from power the oppressive Amin clique and restored the basic principles of the Afghan national democratic revolution. [...] They [the Afghan people,] have determined their own form of government and chosen their political and social system free from any outside intervention or coercion of any kind whatsoever. Nobody can dispute this sovereign right of the Afghan people.” (UNGA, statement of 16 November 1981, A/36/PV.58, paras. 35 f.)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material

0	0	
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	Code	Material
5. Legitimacy Claim	6 defense against ideology	<p>“Lie number one used by the imperialist media is an allegation that there is widespread people’s resistance to the ‘Marxist régime’ in Afghanistan. [...] In fact, the resistance to the Afghan revolution is put up by a handful of former feudal lords and their lackeys, who, like their ancestors, sucked the blood of the Afghan people and lived in luxury, dooming the people to misery and deprivation. Their struggle against the people and the Revolutionary Government of the Democratic Republic of Afghanistan is an objective phenomenon of the class struggle. They are desperately trying to regain their lost privileges, and they fight not for the freedom of the people but for the freedom to exploit them. Counter-revolutionary bands of mercenaries and terrorists daily invade Afghanistan from outside, disrupting the normal life of the people, the vast majority of whom support the people's power; those bands kill government and party officials, women, children and the elderly, destroy and burn schools and hospitals and loot people's and state property. To call those people ‘Mujahideen’, or freedom fighters, is a sheer insult to common sense. They are the arch-enemies of the Afghan people.” (UNGA, statement of 16 November 1981, A/36/PV.58, para. 39)</p> <p>“There is ample and convincing evidence from all the available sources that Pakistani territory is actively used, and on an ever-increasing scale, by all and sundry as a springboard for armed aggression and subversion against the Democratic Republic of Afghanistan. Moreover, the hostile, anti-Afghan activities from the territory of Pakistan are being carried out with the tacit approval of the Pakistani authorities, and sometimes with their direct participation.” (UNGA, statement of 16 November 1981, A/36/PV.58, para. 50)</p> <p>“Any unbiased observer visiting Afghanistan these days can see with his own eyes that despite the serious difficulties imposed on the Afghan people by the enemies of the Afghan revolution and an undeclared war waged against the Democratic Republic of Afghanistan by the imperialist and hegemonist forces and their mercenaries, the people of the Democratic Republic of Afghanistan, under the leadership of the People’s Democratic Party of Afghanistan have, during a comparatively short period of time, scored great successes along the road of economic political and social progress. [...] The Afghan army and people would have wiped out the counter-revolutionary bands long ago had they not been given support from imperialist and hegemonist quarters, as well as from some reactionary Islamic régimes.” (UNGA, plenary meeting, 16 November 1981, A/36/PV.58, para. 40)</p> <p>“The only way to expedite the political settlement of the situation around Afghanistan is to stop all kinds of interference in the internal affairs of Afghanistan and the resulting bloodshed and crimes committed by these mercenaries and terrorists against the Afghan people.” (UNGA, statement of 18 November 1981, A/36/PV.62, para. 94)</p>

		<p>“With regard to the idea advanced by the representative of Pakistan to verify the situation in the so-called refugee camps, we must state that it is not the camps where the families of the bandits and terrorists live that ought to be verified, but rather the frontier bases and training camps of the counter-revolutionary bands, which are located on Pakistani territory. They are clearly indicated in the map attached to the "Green Book", and there is ample, well-documented, irrefutable and thoroughly verified evidence that such bases exist.” (UNGA, statement of 18 November 1981, A/36/PV.62, para. 129)</p>
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	Code	Material
6. UNSC Reaction	4 unclear + veto	<i>see Soviet Union 6</i>
7. UNGA Reaction	3 unclear	<i>see Soviet Union 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Soviet Union 9</i>

Mujahideen

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### As there was no unified organization, there is no official spokesperson or organ whose statements can be considered as being representative, however, as far as the Mujahideen position has been voiced, the principal justification rests on resistance against foreign intervention and an illegitimate government. A sufficiently clear reference to public international law could not be identified. ###</p>

						<p>### Resistance against illegitimate, foreign-backed government “History tells me,’ said the Afghan rebel commander [...], ‘that when the Russians come to a country they don’t go back. Only if we fight them will they leave,’ he said, adding, ‘Our sons will fight them until Afghanistan is free.’ [...citing another rebel:] ‘we want our country to be free.’” (Bonner, “With Afghan Rebels: For God and Country”, The New York Times, 28.03.1985, p. 1, https://timesmachine.nytimes.com/timesmachine/1985/03/28/124720.html?pageNumber=2 (accessed on 5.8.2022))</p> <p>### Keesing’s reports that throughout 1980, different factions of Mujahedeen were involved in armed activities amongst themselves (“intra-faction feuds”), (Keesing’s Contemporary Archives, 1980/1981, pp. 31141 ff.). It is unclear, in how far this continued in the following years. Also, Keesing’s did not recite a unified, authoritative Mujahedeen position. ###</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
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6. UNSC Reaction	4 unclear + veto	<i>see Soviet Union 6</i>
7. UNGA Reaction	3 unclear	<i>see Soviet Union 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Soviet Union 9</i>

43. Iran-Iraq War 1980-1988

Key data

Duration: 22.9.1980 – 20.8.1988; Parties: Iran vs Iraq; Initiator: Iraq.

645 Iraq

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	Statement by Iraqi Foreign Minister Saadoon Hammadi before the UNSC, P.SV.2251, 17 October 1980: “(59.) It was established by my Government that the Iranian Government had violated the elements of the comprehensive settlement contained in the Algiers agreement and that it had terminated it. Consequently, the Government of the Republic Iraq decided, in accordance with paragraph 4 of the Algiers agreement and article 4 of the Treaty of 1975, to consider the aforesaid agreement and those following and based upon it as terminated on the part of Iraq after Iran had terminated it by

						<p>word and deed Iraq then called upon the Iranian authorities' to accept the new' situation and to act rationally and wisely in the face of the exercise by Iraq of its legitimate rights and full sovereignty over all its land and water territories in Shatt-Al-Arab, as was the case before the Algiers agreement. [...]</p> <p>(61.) Iraq, as I have shown, did not act first, and when it acted it was absolutely in self-defence.”</p> <p>Statement by Iraqi Foreign Minister Saadoon Hammadi before the UNSC, P.SV.2250, 15 October 1980:</p> <p>“The response of the Government of Iran to this legitimate position was to escalate the situation to total war through indiscriminate hostile acts involving the use of force against Iraqi and foreign vessels in Shatt-Al-Arab. Iran started bombing civilian centres and economic establishments inside our country. Consequently, my Government was left with no choice but to direct preventive strikes against military targets in Iran. There was, to borrow from the well-known Caroline Case, a ‘necessity of self-defence, instant, overwhelming, leaving no choice of means and no moment for deliberation’. In taking those actions my Government clearly and openly declared that Iranian civilian targets would not be the object of military strikes unless Iran continued to strike at such targets in Iraq. Thus, our actions involve ‘nothing unreasonable or excessive, since the act, justified by the necessity of self-defence, must be limited by that necessity, and kept clearly within it’.”</p> <p>Statement by Iraqi Foreign Minister Saadoon Hammadi before the UNSC, P.SV.2251, 17 October 1980:</p> <p>“(56.) I should now like to mention as an example that the number of Iranian violations for the period of June to September 1980 has reached 187 violations and military actions across the Iraqi frontier against populated cities and villages, roads and border posts. Those armed violations have become a daily routine for the conduct of the Iranian military forces. (57.) It is worth mentioning that concentrated bombardment was made from the area of Zain Al-Qaws, which is situated between frontier pillars 46 and 51 deep inside Iraq’s territory. At noon on 7 September, the bombardment was carried out again in the same manner. In our turn, we summoned to the Foreign Ministry on that date the Charge d’affaires of the Iranian Embassy in Baghdad, and we delivered a note to him. We stated that the Iranian military units had encroached upon numerous areas of Iraqi territory, as was the case in Zain Al-Qaws, and said that those violations had continued, contrary to the Treaty of 1975 between the two countries. We requested that he convey to his Government that it should immediately end those violations, but the Iranian forces continued with their bombardment that evening. (58.) On the following day, 8 September, the Iranian Charge d’affaires was again called in to the Foreign Ministry and we handed him another note. In that note, we stated</p>
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						<p>that the Iraqi military forces, in the exercise of our legitimate right to self-defence, were forced to end the Iranian occupation of Zain Al-Qaws and to restore the occupied Iraqi territories.”</p> <p>Iraqi Foreign Minister, Saadoon Hammadi, S/14236, 24 October 1980: “On the occasion of the present discussion in the Security Council and, after the Council has had the opportunity to hear the views of Iraq and Iran, on the subject under discussion, I should like to recall once again that Iraq does not have any territorial ambitions in Iran and to reaffirm that we do not desire anything but the restoration of our sovereignty and rights with effective guarantees. (...)These Iranian military acts began on the 4th of September 1980. This was the beginning of the war waged actually by Iran against Iraq and not the 22nd of September which is the date on which Iraq exercised preventive self-defence to defend its people and territories. The presence of the Iraqi military forces inside Iranian territories is solely for defensive purposes. After the military attacks of the Iranian forces during the period 4th to 22nd September, it became necessary to push the Iranian forces away from Iraqi towns situated within the range of Iranian heavy and long-range artillery capable of shelling them and which actually shelled them, as we have mentioned, beginning on 4 September 1980. (...)The lands reached so far by Iraqi forces are the necessary positions for defence until Iran recognizes our rights and guarantees are reached for the achievement of a final and permanent solution to the dispute.”</p>
Letter sent in accordance with Art. 51 UNCh	1 yes S/14192, 24 September 1980					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	3 unclear	UNSC/Res 479, 28 September 1980: "1. Calls upon Iran and Iraq to refrain immediately from any further use of force and to settle their dispute by peaceful means and in conformity with principles of justice and international law. "
7. UNGA Reaction	4 no reaction	UN Secretary General, Further Report of the UNSG on the Implementation of SC Res 598(1987), 11 December 1991, S/23723: "the outstanding event under the violations referred to in paragraph 5 above is the attack of 22 September 1980 against Iran, which cannot be justified under the Charter of the United Nations, any recognized rules and principles of international law or any principles of international morality and entails the responsibility for the conflict. Even if before the outbreak of the conflict there had been some encroachment by Iran on Iraqi territory. such encroachment did not justify Iraq's aggression against Iran - which was followed by Iraq's continuous occupation of Iranian territory during the conflict - in violation of the prohibition of the use of force, which is regarded as one of the rules of ius cogens." ### The facts however remain unclear. (Andrea de Guttry, <i>The Iran-Iraq War</i> , in: Tom Ruys/Olivier Corten, <i>The Use of Force in International Law: A case-based approach</i> , 2018, p. 326) ###
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	Cuba: S.PV/2250 [53]: "We were truly distressed to learn of the outbreak of armed conflict between Iran and Iraq. The Government and the people of Cuba have maintained close relations of friendship and co-operation with Iraq for many years. My Government, together with the other member States of the non-aligned movement, paid a tribute at the sixth summit Conference, at Havana, to the Iranian people for their triumph against the oppression of the Shah and welcomed the incorporation of Iran in our movement as a fully fledged member. Our feelings towards both peoples, therefore, can but be based on fraternal friendship and the principles and objectives of the policy of nonalignment."

630 Iran

Code

Law invoked?	1 Yes
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6. abstr. gen. level	.7 validity	
1 self-defence	1 Treaty	1 Yes	2 No	2 No	2 No	2 No	<p>S/14206, Letter of 1 October 1980 by the President of Iran, Mr Bani-Sadr to the UNSC: “The Government of Iraq waged a war of aggression in clear violation of the Charter of the United Nations and all other norms of international behavior. (...) By waging a war of aggression inside our territory and striking against our vital interests, the Iraqi Government left us no choice but that of self-defence in order to secure our sovereignty and protect our interests”</p> <p>Statement by Prime Minister Mohamed Ali Rajai of Iran before the UNSC, P.SV.2251, 17 October 1980: “The Hussein army, using ridiculous pretexts-and perhaps it really should be added that they are no pretexts at all-has committed an act of aggression against our country. It has destroyed centres of production, the economy and towns including hospitals and schools, and it has killed innocent people. The whole world must know that Saddam Hussein’s army has acted without mercy, without pity, like Hitler’s armies.”</p>
Letter sent in accordance with Art. 51 UNCh	1 yes S/14206, 1 October 1980						

4. Invocation of use of force by a victim state	.1 Source	Material
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0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	2 disapproves	<p>UNSC/Res 514, 12 July 1982: “1. Calls for a cease-fire and an immediate end to all military operations; 2. Calls further for a withdrawal of forces to internationally recognized boundaries; “</p> <p>UNSC/Res 522, 4 October 1982: “1.Urgently calls again for an immediate cease-fire and an end to all military operations; 2. Reaffirms its call for a withdrawal of forces to internationally recognized boundaries”</p> <p><i>### The call for withdrawal of forces is directed at Iran, as Iran had advanced into Iraq in Spring and Summer of 1982, whilst Iraq had remained within its borders. ###</i></p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	<i>### The ICJ Oil Platforms Case concerned a specific incident between the USA and Iran; it did not touch upon the conflict between Iraq and Iran. ###</i>
9. State Reaction	3 unclear	<p>Andrea de Guttry, The Iran-Iraq War, in: Tom Ruys/Olivier Corten, The Use of Force in International Law: A case-based approach, 2018, p.321: <i>### Third state reaction in general was minor ###</i></p> <p>Declaration of the Twelfth Arab Summit Conference (1982), UNYB 1982, p. 362: <i>### Condemns the War and calls upon Iran to cease hostilities ###</i></p>

44. Falklands Islands War 1982

Key data

Duration: 25.3.1982 – 15.6.1982; Parties: Argentina vs. United Kingdom; Initiator: Argentina.

160 Argentina

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence (against aggression)	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<p>“The Argentine Republic has once again been the object of aggression perpetrated by the United Kingdom through the dispatch of vessels to its national waters with the declared intention of exercising force against workers who, with the full knowledge of the British authorities, have been engaged in peaceful commercial activities in San Pedro Island. in the South Georgia group of islands, a dependency of the Malvinas Islands.” (S/PV.2345, paras. 29 f. [### 01 April, i.e. immediately before the invasion])</p>

						<p>“My Government would therefore like to assert that the continued refusal of the United Kingdom to take effective steps to settle the dispute, as demonstrated by the delays over the past 16 years-added to the long-standing Argentine claim-constitutes an additional form of aggression against my country.” (S/PV.2345, para. 63)</p> <p>“This aggression has again been demonstrated by the recent events which have caused the Security Council to meet, by the virtual utilization of force against Argentine nationals on San Pedro Island - on Argentine territory that was unjustly usurped - who were carrying out commercial activities which were legally agreed to and about which the United Kingdom is fully cognizant. That is to say, the serious and imminent threat to utilize force that the presence and activities of British warships in Argentine waters and against Argentine nationals signify means that there is a right to exercise legitimate defence.” (S/PV.2345, paras. 64 f.)</p> <p>“I wish to inform the Council that today the Government of Argentina has proclaimed the recovery of its national sovereignty over the territories of the Malvinas, South Georgia and South Sandwich islands in an act which responds to a just Argentine claim and is also an act of legitimate defence in response to the acts of aggression by the United Kingdom.” (S/PV.2346, para. 12)</p>
Letter sent in accordance with Art. 51 UNCh	1 yes S/14984 Letter of 16.04.1982					

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5 exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence (against a blockade)	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>“This communication constitutes a notification of blockade - an act expressly defined as aggression in United Nations General Assembly resolution 3314 (XXIX) Of 14 December 1974, article 3 (c) of which specifies that, regardless of a declaration of war, the blockade of the ports or coasts of a State by the armed forces of another State is an act of aggression. The Argentine Republic will exercise the right of self-defence granted to it under Article 51 of the Charter of the United Nations in the face of this and any other act of aggression.” (S/14961, Letter of 9 April 1982 to the UNSC)</p>

Letter sent in accordance with Art. 51 UNCh	1 yes S/14961 S/14984
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3. Justificatory claim	.1 Law invoked	.2 Source of law	Contestation about					Material
			.3 facts	.4 application	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence (against an imminent threat posed by the United Kingdom)	1 Yes	1 Treaty	1 Yes	1 Yes	2 No	1 Yes	2 No	<p>“This aggression has again been demonstrated by the recent events which have caused the Security Council to meet, by the virtual utilization of force against Argentine nationals on San Pedro Island - on Argentine territory that was unjustly usurped - who were carrying out commercial activities which were legally agreed to and about which the United Kingdom is fully cognizant. That is to say, the serious and imminent threat to utilize force that the presence and activities of British warships in Argentine waters and against Argentine nationals signify means that there is a right to exercise legitimate defence.” – S/PV.2345 paras 64 f.</p> <p>“The military preparations and the dispatch of warships to the region by the United Kingdom, to which I have already referred, explain and justify the actions taken of necessity by the Government of Argentina in defence of its rights.” – Costa Mendez, Foreign Minister of Argentina, in: S/Pv.2350, para. 22.</p> <p>“Unfortunately, there can be no doubt whatever that there is a serious and imminent threat by the United Kingdom to utilize force against Argentina’s islands, waters and mainland, leaving my country no other course than immediately to adopt the necessary measures to ensure its legitimate defence.” – S/Pv.2345, para. 68</p> <p>Letter to the UNSC under Art 51 UN Charter: “In the face of the announcement of the dispatching of the fleet, which clearly demonstrated a lack of readiness on the part of the United Kingdom to comply with paragraph 1 of resolution 502 (1982), Argentina had no alternative but to take advantage of the right of self-defence provided for in Article 51 of the Charter in order to protect its nationals in its own territory.” – Letter to the UNSC, S/14984 (16 April 1982)</p>

Letter sent in accordance with Art. 51 UNCh	1 Yes								<i>see directly above, letter S/14984</i>
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	1 enable self-determination	<p>“At this stage of events, we believe that international opinion has understood the deep meaning of national opinion has understood the deep meaning of these facts and is shocked at the magnitude of the British action, at the violence and the warmongering spirit that inspire that Government. In the face of that fever for vengeance, the moderation with which my country has defended itself has been given international recognition, and the world understands that Argentina is defending itself against a powerful aggressor. Argentina has not sought to humiliate, to defeat, to obtain a military victory over the United Kingdom, but simply to begin the recovery of that which belongs to it. We are prepared to negotiate in good faith for an honourable and intelligent solution, but cannot accept being led to sign any paper that the United kingdom presents that involves a serious renunciation of our historic rights.” (S/PV.2360, para.62)</p> <p>“The Argentine Republic has been and continues to be the object of continuous acts of aggression perpetrated by the United Kingdom. This has gone on for nearly 150 years. It is nothing other than the maintenance of a colonial situation which originated in an act of force, which was then followed by illegal occupation, usurpation, without the metropolitan Power having demonstrated any desire to put an end to it, despite the repeated urgings of the General Assembly to which I referred previously.” (S/PV.2345, para. 59)</p> <p>“This aggression constitutes one more episode in the violence which was perpetrated by Great Britain on 3 January 1833, when by force it took possession of the Malvinas Islands, seizing the Argentine authorities residing there and expelling almost all of the inhabitants. The islands have been part of the national territory since the independence of the Republic, through natural</p>

		<p>succession of the unquestionable rights which the Spanish Crown had over them and which had had governors there since 1811.” (S/Pv.2345, paras. 30 f.)</p> <p>“The General Assembly [recognized that] in the case of the Malvinas Islands, the principle that enshrines and protects the right of States to territorial integrity is applicable. It could not be otherwise, since the illegitimate act of force by Great Britain was followed by the expulsion of the original population of the territory-Argentine nationals-and their replacement by a tiny number of citizens from the colonial Power, which makes inapplicable to this dispute the principle of self-determination” (S/PV.2345, para. 43)</p> <p>“The United Kingdom cannot claim self-defence of territorial integrity to justify its acts of aggression. It is Argentine territorial integrity which has been violated. The islands belong to my country. The great majority of independent countries recognize the islands as Argentine, and the United Nations has characterized the dispute as a dispute over sovereignty. Moreover, even from its own standpoint, the United Kingdom cannot allege that the islands are part of its own metropolitan territory, but rather that they are part of an anachronistic colonial dependency.” (S/PV.2360, para. 61)</p>
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	Code	Material
6. UNSC Reaction	2 disapproves	<p>Presidential Statement, S/PV.2345, 1 April 1982, para. 74: “The Council accordingly calls on the Governments of Argentina and the United Kingdom to exercise the utmost restraint at this time and in particular, to refrain from the use or threat of force in the region and to continue the search for a diplomatic solution.”</p> <p>Resolution 502 (S/Res/502), 3 April 1982: “[The Security Council] Determining that there exists a breach of the peace in the region of the Falkland Islands (Islas Malvinas) 1. <i>Demands</i> an immediate cessation of all hostilities; 2. <i>Demands</i> an immediate withdrawal of all Argentine forces from the Falkland Islands (Islas Malvinas) [...]”. The Res was adopted with 10 votes to 1 and 4 abstentions. <i>Panama voted against the Res because it found the colonial aspect of the dispute unjustly omitted; Poland, Spain and the USSR abstained for similar reasons (see e.g. USSR statement in S/Pv.2350, p 20); PRC also abstained, hoping that the Parties would negotiate (S/Pv.2350, para.271).</i></p> <p>Resolution 505 (S/Res/505), 26 May 1982: ### Requested the good offices of the Secretary-General to work toward the end of hostilities. Adopted unanimously ###</p> <p>Draft Resolution, 4 June 1982 (vetoed by the UK and the US): ### Another Resolution, drafted by Spain and Panama, that was to request a cease-fire (S/15156/Rev.2) was vetoed by the UK and the US on 4 June (S/Pv.2373, para. 49; the US later regretted the veto, <i>ibid.</i> para. 71) ###</p>
7. UNGA Reaction	3 unclear	General Assembly Resolution 37/94, 4 November 1982 (90-12-52 (recorded vote)):

		“Requests the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas);”
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Australia: “Nothing contained in those statements [by Argentina] could justify the act of aggression that has been committed by the Argentine armed forces in clear violation of Article 2, paragraph 3 and paragraph 4, of the Charter of the United Nations.” (S/PV.2349, p. 2, para. 22)</p> <p>France: “It is clear that this armed attack deserves condemnation and must be condemned. It is a glaring violation of the provisions of Article 2, paragraph 4 of the Charter of the United Nations [...]” (S/PV.2349, para. 7)</p> <p>Guyana, Ireland, Japan, Jordan, New Zealand (S/Pv.2349 para 34), Togo and Zaire: <i>### characterized Argentina’s attack as an illegal use of force.</i></p> <p>Brazil: “The Government of Brazil has always supported the Argentine Government in the territorial dispute over the Malvinas Islands in which it has been engaged for more than a century with the United Kingdom. This support and the position of principle of the sister Argentine Republic dates from 1833, when our two countries had only recently freed themselves from colonial status. The Government of Brazil profoundly regrets that negotiations for a peaceful solution to the dispute have not been fruitful or led to success.” (S/PV.2350, paras. 51 f.)</p> <p>Jordan, Uganda and Zaire: “As a non-aligned country, we have supported and continue to support the legitimate claims of Argentina within the framework of a decolonization problem. But at the same time, we believe that it would be a dangerous precedent and harmful to international relations to attempt to settle, by resorting to force, a problem on which negotiations are under way.” (S/PV.2350, para. 252) <i>### accepted Argentina’s claim but insisted on a peaceful settlement of the dispute.</i></p> <p>United States: <i>### Insisted that Argentina should not enjoy the fruits of its aggression. Imposed economic sanctions after mediation failed and provided material assistance to the British</i> (Keesing’s Contemporary Archives, 1982, 31709)</p> <p>OAS Resolution (adopted 28 April 1982, cf. UN Doc S/15008 Annex.1)</p>

	<p>“Considering [...] that Argentina's rights of sovereignty over the Malvinas (Falkland) Islands, as stated in some important resolutions passed by various international forums, including the Declaration of the Inter-American Juridical Committee on January 16, 1976, which states: ‘That the Republic of Argentina has an undeniable right of sovereignty over the Malvinas Islands;’ must be borne in mind; and [...]Resolves: 1. To urge the Government of the United Kingdom of Great Britain and Northern Ireland immediately to cease the hostilities it is carrying on within the security region defined by Article 4 of the Inter-American Treaty of Reciprocal Assistance, and also to refrain from any act that may affect inter-American peace and security. 2. To urge the Government of the Republic of Argentina likewise to refrain from taking any action that may exacerbate the situation.”</p> <p>Bolivia: “We must mention that the line of principle followed by the Argentine Government throughout the negotiations is beyond reproach, just as is the duty of the international community to contribute by all proper means to the re-establishment of Argentine sovereignty over the Malvinas Islands.” (S/Pv.2350, p. 7, para. 82)</p> <p>Peru: “The delegation of Peru is speaking today to reaffirm the full support that Peru has given in the United Nations and in the Movement of Non-Aligned Countries to Argentina’s just claim of sovereignty over the Malvinas Islands.”(S/PV.2350, p. 7, para. 87)</p> <p>Panama: “The question of the Malvinas Islands, which has been presented so brilliantly by the Minister of Foreign Affairs of the Argentine Republic. Mr. Costa Méndez, is essentially a colonial problem in which a traditionally colonial Power from outside the continent has maintained a presence alien to the American continent and also to its convictions, beliefs and life-style.” – S/Pv.2350, p. 9, para. 95)</p> <p>Paraguay: “As I said, the Argentine Republic made every effort to arrive at a peaceful solution, but all these endeavours met with no success, because one of the parties to the dispute, the United Kingdom, did not respond. As everyone is aware, the Malvinas are part of Argentine territory, and British occupation of these islands was perpetuating an unacceptable colonial situation. In view of this fact, and as has been so well explained by the Minister for Foreign Affairs of Argentina, Mr. Costa Méndez, Argentina has not invaded foreign territory but merely rightfully recovered a usurped part of its national territory.” (S/Pv.2350, p. 14, paras. 150-152)</p>
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200 United Kingdom

	Code
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Law invoked?	1 Yes
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>“These unlawful Argentine acts give the United Kingdom the right to use force in self-defence. This right was exercised in the first instance by the Royal Marines in resisting Argentine attacks and extends to terminating the illegal Argentine occupation. This right is expressly recognized by Article 51 of the Charter, which makes it clear that the right of self-defence is “inherent” and that nothing in the Charter is intended to impair it. In compliance with its obligations under Article 51, Her Majesty's Government has reported all measures of defence to the Security Council. [...] It was Argentina which, by its first use of force in defiance of the call by the Security Council on 1 April (S/14944), committed an act of aggression within the meaning of the Definition of Aggression contained in General Assembly resolution 3314 (XXIX), misleadingly referred to in the Argentine letter.” (S/15016, Letter of 30 April 1982 to the UNSC President)</p> <p>“Instead of withdrawing, Argentina reinforced its armed forces on the Falkland Islands. It imposed military government in the islands in place of the previous democratic Government under which the British people of the islands had lived peacefully in British territory for a century and a half. Argentina was bent on consolidating its grip on the islands. In this situation, the United Kingdom had no choice but to exercise our inherent right of self-defence under Article 51 of the Charter. We have meticulously informed the President of the Council of every step we were taking in this regard.” (S/PV.2360, para.102)</p>

						<p>„[...] for the first time for many years, British sovereign territory has been invaded by a foreign power. [...] I am sure that the whole House will join me in condemning totally this unprovoked aggression by the Government of Argentina against British territory. It has not a shred of justification and not a scrap of legality.“ (PM Thatcher in House of Commons Debate 3 April 1982, vol 21, col 633)</p> <p>1.4 Contestation about Interpretation <i>### Contestation about who may legally exercise authority over the Malvinas? / may self-defence be invoked by a colonizing power?</i></p> <p>United Kingdom: “Finally, it has also been argued that this was not an invasion because the Islands belong to Argentina, a proposition which of course my Government contests. But the fact is that the United Kingdom has been accepted by the United Nations-by the General Assembly, by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples-as the Administering Authority. It therefore flies in the face of the facts and in the face of reason to suggest that this was not an armed invasion.” (S/PV.2350, para. 176)</p> <p>Argentina: “Argentina has wisely, patiently and imaginatively negotiated on its long-standing claim, but the United Kingdom has not given the slightest indication of being flexible nor made a single just proposal. We have also been accused in this chamber of violating Article 2, paragraphs 3 and 4, of the Charter of the United Nations. [...] Today, in 1982, the purposes of the Organization cannot be invoked to justify acts carried out in the last century in flagrant violation of principles that are today embodied in international ” (Costa Mendez, Foreign Minister of Argentina, in: S/PV.2350, paras. 22-25)</p>
Letter sent in accordance with Art. 51 UNCh	1 yes S/15016, Letter to the UNSC President (30 April 1982)					
4. Invocation of use of force by a victim state	.1 Source	Material				

0	0	
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	Code	Material
5. Legitimacy Claim	1 enable self-determination	"It is an attempt to impose by force a foreign and unwanted control over 1.900 peaceful agricultural people who have chosen in free and fair elections to maintain their links with Britain and the British way of life. Last night, my Argentine colleague repeatedly accused my country of aggression. It would be extremely interesting to learn what form of aggression the 1.900 peaceful farmers of the Falkland Islands and the lightly armed garrison of less than 100 British soldiers were plotting against the Argentine Republic to justify what I dare say my Argentine colleague will present as an act of self-defence in accordance with Article 51 of the Charter." (S/PV.2346, paras 5f.)

	Code	Material
6. UNSC Reaction	3 unclear	<i>see Argentina 6</i>
7. UNGA Reaction	3 unclear	<i>see Argentina 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Argentina 9</i>

45. War over Lebanon 1982

Key data

Duration: 21.04.1982 – 15.09.1982, Parties: Israel vs. Syria, Initiator: Israel.

666 Israel

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	<p>Ambassador Blum in S/PV.2375, 6 June 1982</p> <p>[23] "Israel, indeed, has been the target of ongoing aggression for many years. Yet, the Council has not evinced the slightest interest in all those acts of warfare, violence and terrorism which in their totality manifest the ongoing Arab aggression against my country."</p> <p>[36] "When is the Council galvanized into action? When Israel, after years of unparalleled restraint, finally resorts to the exercise of its right of self-defence, the fundamental and inalienable right of any State, which is also recognized by the Charter of the United Nations as the inherent right of</p>

						<p>Member States of the Organization. In order to save a terrorist organization from well-deserved and long-overdue retribution, the Council is convened in emergency meetings, urgent meetings and every conceivable form of extraordinary session.”</p> <p>[38] “Let me ask the Council a simple question: how many Israelis have to be killed by the PLO terrorists for the Council to be persuaded that the limits of our endurance have been reached? “</p> <p>[39] “It thus becomes imperative for the Government of Israel to exercise its legitimate right of self-defence to protect the lives of its citizens and to ensure their safety.”</p> <p>[49] “As a result of all this, Lebanon has been in recent years and still remains a country occupied by alien forces. Syria still maintains in Lebanon a sizable portion of its army-that is, about 25,000 troops and upwards-and the PLO still has over 15,000 armed terrorists operating in the country, of whom over 2,000 are positioned south of the Litani River”</p> <p>[54] “In the normal course of international affairs foreign State assumes the responsibility for the actions not only of its Government but also of its subjects and “guests”. Lebanon’s duty to prevent its territory from being used for terrorist attacks against other States is based on general international Law. As has been stated in Oppenheim-Lauterpacht’s well-known and authoritative treatise on international law:</p> <p>“States are under a duty to prevent. and suppress such subversive activity against foreign Governments as assumes the form of armed hostile expeditions or attempts to commit common crimes against life or property.”</p> <p>[55] “ Israel must hold Lebanon fully responsible for any atrocity committed against it when it is conceived and planned in Lebanon, irrespective of whether it is carried out from Lebanon or from any other territory.”</p> <p>[65] “Faced with intolerable provocations, repeated aggression and harassment, Israel has now been forced to exercise its right of self-defence to arrest the neverending cycle of attacks against Israel’s northern border, to deter continued terrorism against Israel’s citizens in Israel and abroad, and to instil the basic concept in the minds of the PLO assassins that Jewish life will never again be taken with impunity.”</p> <p><u>1.6. Contestation on abstract general level</u></p> <p>### Contestation on abstract general level concerning 1: use of force against a non-state actor (PLO) and 2: whether the accumulated events listed by Israel amount to an armed attack ###</p>
Letter sent in accordance with Art. 51 UNCh	1 yes ### The notification requirement is sufficiently given as the Israeli ambassador reported to the UNSC through his verbal statement, in which he invoked Israel’s right to self-defense (S/PV.2375, 6 June 1982)					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	UNSC Res 509, 6 June 1982: " 1.Demands that Israel withdraw all its military forces forthwith and unconditionally to the internationally recognized boundaries of Lebanon." ### <i>The UNSC resolution does not explicitly mention the legality of the original Israeli intervention and as it was 6 weeks after the original use of force it is unclear whether the UNSC judges upon the legality of the original use of force.</i> ###
7. UNGA Reaction	3 unclear	UNGA/Res ES-7/5, 26 June 1982: "3. Decides to support fully the provisions of Security Council resolutions 508 (1982) and 509 (1982) in which the Council, inter alia, demanded that: (a) Israel withdraw all its military forces forthwith and unconditionally to the internationally recognized boundaries of Lebanon (...) 4.Condemns Israel for its non-compliance with resolutions 508 (1982) and 509 (1982); 8.Calls upon all States and international agencies and organizations to continue to provide the most extensive humanitarian aid possible to the victims of the Israeli invasion of Lebanon;"
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	United Kingdom: "This assassination attempt, however despicable, does not in any way justify the massive attacks on Lebanese towns and villages by the Israeli air force, attacks which have already inflicted major loss of life, casualties and damage to property" (UNSC Verbatim records S/PV.2374, para. 31)

	<p>Soviet Union: "It is quite clear that what we have here is an wanton act of aggression against Lebanon whereby the ruling circles of Israel are crudely trampling underfoot the most elementary norms of international law, the principles of the Charter of the United Nations and the many resolutions of the Security Council, including resolution 508 (1982), which was adopted unanimously by the Council yesterday, regarding an immediate cease-fire in Lebanon." (S/PV.2375, 6 June 1982, para. 110)</p> <p>Poland "Thirdly, one cannot but wonder for how long the Council will allow Israel to trample with impunity upon the provisions of the Charter of the United Nations, and in particular of its Article 2 paragraph 4 and of numerous resolutions, including the Council's resolution 508 (1982) adopted yesterday" (S/PV.2375, 6 June 1982, para. 121)</p> <p>League of Arab Nations: "By taking the law into own hands and setting itself up as a counter-legitimacy to create its own law based on the new definition that might is right, Israel is attempting to violate and exploit a situation in Lebanon in order to continue to play havoc not only with the destiny of that country and with the policy of the Palestinian people, but also with the chances for peace and stability in the region as a whole." (S/PV.2375, 6 June 1982, para. 130)</p> <p>Spain: "It is useless for the Israeli authorities to attempt to justify the true act of aggression by the recent assassination against the Israeli Ambassador in London, which we repudiate, Contemptible as all acts of terrorism are, particularly those which are directed at diplomatic representatives, they can in no way provide a pretext of justification for perpetration an act of armed aggression of such magnitude against the territory of a sovereign state." (UNSC Verbatim records S/PV.2377)</p>
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652 Syria

	Code
Law invoked?	2 No

ce ur so 2	Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	3 maintenance of regional stability	Syrian Information Minister Ahmed Iskander Ahmed, press conference: "We cannot let them occupy the capital of an independent country," Mr. Iskander declared. "Israelis have imposed this savage war on us and we have no choice but to fight for our Palestinian and Lebanese brothers and for our basic national security, which is threatened by the Israeli invasion," Mr. Iskander said" ("Syrian Aide Asserts Troops In Lebanon Will Battle On", The New York Times, 11.06.1982, p.14, https://timesmachine.nytimes.com/timesmachine/1982/06/11/201869.html?pageNumber=14 (accessed on 14 July 2022))

	Code	Material
6. UNSC Reaction	3 unclear	<i>see Israel 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	3 unclear	<i>see Israel 8</i>
9. State Reaction	3 unclear	<i>see Israel 9</i>

46. War over the Aouzou Strip 1986

Key data

Duration: 15.11.1986 – 11.9.1987; Parties: Chad vs. Libya; Initiator: Chad.

483 Chad

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 Self-defence	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>“In the face of such flagrant aggression, Chad, as an independent and sovereign State, has called on friendly countries for assistance, under Article 51 [UNCh], in defending itself and protecting its independence and territorial integrity” (S/18603)</p> <p>“Libyan acts of aggression ... are continuing with greater intensity than ever” (S/18588)</p> <p>“Chad therefore merely availed itself of its right to self-defence and its right of pursuit” (S/19136; UN Yearbook 1987, p. 178)</p>

						<p>“in view of the ill-advised acts of flagrant and overt military aggression against Chad perpetrated by the Tripoli regime, thus threatening peace and security in the subregion, in flagrant violation of the charters and resolutions of the [UN] and OAU ... the President of the Republic of Chad [Habré], in accordance with Article 51 UNCh concerning the inherent right of self-defence of States, requested military intervention from France to repel the Libyan attack” (S/17837)</p> <p>“Libyan acts of aggression ... are continuing with greater intensity than ever”, “Libya has been engaged in unwarranted aggression against Chad”, “poses a serious threat to the sovereignty and national independence and territorial integrity of Chad ...”</p> <p><u>1.3. Contestation of facts</u></p> <p><i>### Contested for that Chad claims the US-supply of weaponry to be purely defensive and in conformity with Art. 51 UNCh ###</i></p> <p>“The sole purpose of this attempt to spread confusion is to divert the debate taking place in the [UN GA] on the problem. Actually, the delivery of defensive weapons to Chad by the [US] falls within the scope of the military co-operation between the two countries and is in conformity with Article 51 UNCh.” (S/19261)</p> <p><i>### reference being made to Libya’s Letter of 10 August on the 8 August events ###</i> “(...) this information is patently false, devoid of all foundation and indeed absurd, particularly coming from the representative of the State whose top leaders are liars of international repute (...) This involves in particular the aggression against and occupation of Chad by Libya, a situation which, as is well known, dates from 1973 with the occupation of the (...) Aouzou Strip (...) Libya extended its colonialist domain” (S/19038)</p> <p>“It is easy to see that the armed aggression which the representative of the ruling clique in Tripoli is trying to disguise by reversing the roles of aggressor and victim, against all evidence, is indeed an aggression carried out against my country, Chad” (S/19038)</p> <p>“In his letter dated 21 September 1987 (S/19146) the representative of Libya attempts to distort the facts by informing the international community ‘that the war between it and Chad is over’. This is surprising, since Libya has always maintained that it is not waging and imposing war on Chad. Moreover, by stating that it is leaving Chad to the Chadians, the most authoritative spokesman of Libyan expansionism has recognized the fact of his country’s occupation, aggression and repeated acts of interference in Chad. (...) Libya, which has always manifestly affirmed that Chad is the natural</p>
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						<p>extension of its territory, flagrantly claims that Chad is allegedly harbouring boundless ambitions” (S/19151)</p> <p>“Chad which has been attacked in defiance of all the norms which govern relations between States, has appealed to France and to friendly and fraternal countries, in accordance with Article 51 UNCh, for help in defending its sovereignty, independence and territorial integrity” (S/19136)</p> <p>“Chad, the victim of aggression and occupation, is thus only exercising its right of self-defence and is not motivated by any territorial ambition or claim because ... it is Libya which, dreaming of Lebensraums, has been carrying out aggression against Chad and occupying it since 1973” (S/19261)</p>
Letter sent in accordance with Art. 51 UNCh	1 yes S/18588, 13 January 1987					

4. Invocation of use of force by a victim state	1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	5 humanitarian	<p>“In addition to the flagrant and inadmissible occupation (...), to perpetual interference in the internal and external affairs of the Republic of Chad, and to the repeated acts of aggression, destabilization and terrorism in my country, the terrorist and expansionist Tripoli régime has recently moved a step further in its escalation of the war by embarking on a systematic and collective massacre of the innocent civilian populations in the occupied zone” (S/18456)</p> <p>“This awareness of the danger posed by Libya (...) has exacerbated Qadaffi’s destructive madness. In his schizophrenia and following his gruesome and diabolical plans, he has, with the help of his army and his mercenaries of the Islamic Legion, embarked upon the systematic massacre, the veritable genocide of the population of the occupied zone”; “Having been unable</p>

		to bring about the subordination of the Chadians in the occupied zone through trickery, money and intimidation, the criminals in the pay of the terrorist Qaddafi, more and more outraged at having their annexationist ambitions thwarted, are resorting to genocide to achieve their goal, sparing only those who swear allegiance to them " (S/PV.2721, Mr. Adoum, speaking on behalf of Chad)
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	Code	Material
6. UNSC Reaction	3 unclear	### Following Chad's Request (S/18456) of 13 November 1986, the issue was discussed on 18 November 1986 ###
7. UNGA Reaction	3 unclear	### Request by Chad for the item "Aggression against and occupation of Chad by Libya" to be included in the Assembly's provisional agenda with a summary of acts of aggression and occupation by the Libyan Arab Jamahiriya (A/42/141). The item was included in the draft agenda; the Committee for consideration recommended the item's inclusion by a vote of 13 to 6, with 7 abstentions, after rejecting Nicaragua's proposal to amend the title to "Dispute between Chad and Libya" to bring it into line with the formula adopted by OAU (UN Ybk 1987, pp. 178-9). The Committee also recommended the item to be considered directly in plenary meeting; after taking up the General Committee's report, the Assembly, after a procedural debate, did not again discuss the matter in 1987. ###
8. ICJ Reaction	3 unclear	ICJ Territorial Dispute (Libyan Arab Jamahiriya/Chad); Judgment, ICJ Reports 1994, p. 6 ### The ICJ did not judge upon the legality of the use of force. The court held that the Aouzou Strip belongs to Chad. However, this does not amount to an approval of Chad's use of force. The Aouzou Strip was thereupon returned by Libya to Chad on May 31, 1994. ###
9. State Reaction	1 approves	Approving Congo: "The question of Chad constitutes a problem involving a complex African reality that is often brutal and subject to abrupt changes (...) As far as my country is concerned, its readiness to assist and co-operate on the basis of law and the highest moral values remain unchanged. The Congo, both individually and collectively within the [OAU], will continue actively to support all African efforts aimed at finding new avenues in the search for peace, understanding and co-operation in Chad (...) the [UN SC], in complete conformity with the relevant provisions of the [UNCh], should take due account of this and, to the extent possible, resolutely encourage the [OAU] in its initiatives and efforts aimed at national reconciliation so that, as the President of the Congo (...) has said, free from any foreign interference, Chad may regain peace, national unity and territorial integrity " (S/PV.2721) Zaire: "in Chad, the international community witnessed in 1973, and was still witnessing 10 years later, in 1983, a drastic attack on the principles of international law, and the principles set forth in the [UNCh] and the [OAU-Ch], in particular those relating to sovereignty, political independence, territorial integrity, non-intervention in the internal affairs of States, non-use of force in relations among States and the peaceful settlement of disputes (...) No country, regardless of its military power, regardless of its financial or material resources, has the right to threaten the sovereignty and territorial integrity of another State, according to

	<p>the provisions of either the [UNCh or OAU-Ch] (...) Chad inherited from the period of French colonialisms internationally recognized frontiers, which were violated in 1973 by the occupation of the area known as ‘Aouzou’, in other words (...) in 1983, by the invasion of the prefecture known as ‘Borkou-Ennedi-Tibesti’ which covers roughly half the territory of Chad (...) In a peaceful reaction to this illegal occupation of half of the national territory by foreign forces, the President of [Chad], issued an appeal to all nations, on behalf of the States and of the people of Chad (...) where he was attending a conference, for help to Chad in preserving its territorial integrity, sovereignty and national unity (...) Zaire did not hesitate to assist the rightful Government of Chad by sending troops to deal with the situation created by the presence of uninvited foreign troops which had intervened illegally, thus threatening the security, territorial integrity and sovereignty of Chad” (S/PV.2721)</p> <p>France:</p> <p>“The civilian population of Chad is again suffering from that external intervention, this time even more dramatically. What has been going on in northern Chad for several weeks is not a fight among Chadians. The truth is very different. It is a fight between the forces of occupation and Chadian elements on which those forces had felt they could rely in an attempt to legitimize their intervention (...) Moreover, it is to put an end to threats and to thwart the offensive from outside the country that France has, at the request of the Government of Chad, and in conformity with Article 51 of the [UNCh] set up a military assistance unit that has demonstrated its deterrent capability” (S/PV.2721) ### <i>France followed Chad’s request for “military intervention” in S/17837, cf. UN YbK 1986, p. 168 ###</i></p> <p>United States:</p> <p>“The US has in no way entered the war between Chad and Libya. It does view with great concern, however, that Libyan aggression against Chad and the continuing occupation of Chadian territory by Libyan forces. Chad’s resistance to the invasion by Libya represents a legitimate act of self-defence – a right enshrined in Article 51 [UNCh] (...) The [US’] decision to furnish these weapons is fully in accord with international law and flows from the co-operative relationship between the two countries. These weapons pose no threat to the security of other States in the region (S/19271)</p> <p>“In 1983, in clear violation not only of the [UNCh] but also of the [OAU-Ch], Libya invaded and seized nearly half of the territory of the Republic of Chad. This Libyan occupation of Chad’s northern provinces continues today (...) In February and March 1986, Libyan-controlled military forces, operating from the territory they had previously occupied in northern Chad, launched heavy attacks against Chadian Government posts along and south of the 16th Parallel. As we recall, in February of this year the Permanent Representative of the Republic of Chad again reminded the Security Council of continued Libyan military aggression against his country in flagrant violation of resolutions of the [UN and OAU]” (S/PV.2721)</p> <p>OAU:</p> <p>In 1986 unsuccessfully invited Libya to attend a meeting of national reconciliation (A/41/268) before adopting a resolution encouraging the Chairmen of the Ad Hoc Mediation Committee on the Chad/Libyan dispute to reactivate the Committee and its</p>
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	efforts to settle the dispute (A/41/654, pp. 55-56); launched a Conference (Eighth Conference of Heads and States or Government of Non-Aligned Countries, cf. UN YbK 9187, p. 168; A/41/697; S/18392).
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620 Libya [Jamahiriya]

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	1 treaty	2 No	1 Yes	2 No	2 No	2 No	<p>“The assertion in the rebel Habré’s note to you, dated 7 August 1987 [S/19038], that the Jamahiriya was about to attack Chad is nothing more than a lie and a disgraceful ploy to justify the aggression which has taken place on our southern international border” (S/19050)</p> <p>“the Libyan Jamahiriya was subjected to military aggression (...) The imperialist, colonialist and reactionary forces, in their customary alliance, carried out this aggression (...) This aggression against the territory of the Jamahiriya constitutes a threat to peace and security in the region and in the world and is deemed a violation of international conventions and laws” (S/19037)</p> <p>“The Jamahiriya, while exercising its right to self-defence in accordance with international instruments, urges the [UN SC] to assume its full responsibilities in maintaining international peace and security” (S/19050)</p> <p>“Jamahiriya was subjected to military aggression. The aggression occurred on the southern international frontier of the Jamahiriya (...) This aggression against the territory of the Jamahiriya constitutes a threat to peace and security in the region and in the world and is deemed a violation</p>

						<p>of international conventions and laws, thus giving the Socialist People’s Libyan Arab Jamahiriya the right to counter the aggression and eliminate its sources” (S/19037)</p> <p>“Although this aggression constituted a threat to peace and security in the world and is deemed a flagrant violation of international conventions and laws, the Jamahiriya provided an opportunity for peaceful effort to put an end to the aggression. When it became clear on the Jamahiriya that it was not possible for peaceful efforts to end the aggression and that Habré was determined to persist in such aggression (...) the Jamahiriya had no alternative but to exercise its right of self-defence under Article 51 UNCh” (S/19106)</p> <p>1.4. Contestation about Application:</p> <p>“the allegation made by [Chad] have no foundation whatever and are absurd and completely false” (S/18554) ### referring to allegations made by Chad in 12/1986, reiterating that the current confrontation in Chad was an internal struggle ###</p> <p>“Jamahiriya has already stated on many occasions, and does so once again, that it is the rebel Hissène Habré who is really responsible for the escalation of the political and military situation in Chad. He has violated the Lagos Agreement and has turned his back on the efforts made by the [OAU] to promote national reconciliation between the antagonistic factions in Chad. He is acting with the support of imperialistic forces, in particular France and the [US]” (S/18554)</p> <p>“The current confrontation in Chad is in fact an internal struggle between the Revolutionary Government of National Unity and the rebel Hissène Habré. The recent escalation is making an already explosive situation even worse. This is a dangerous matter which directly jeopardizes the security of the southern borders of the Jamahiriya. By their flagrant intervention, France and the [US] are exploiting the Chadian problem for specific political ends which have little connection with the efforts initiated by the Chairman of the [OAU] in order to bring about national reconciliation.” (S/18554)</p> <p>“Officials of the [US Department for Defense] have announced the American decision to supply N’Djamena with Stinger missiles for use in its war against Libya. The [US] decision will be a direct threat to the security of the great Jamahiriya, will constitute active and direct participation by the [US] in the war against Libya and will, at the same time, publicly open the doors of the conflict in Chad” (S/19260)</p>
Letter sent in accordance with Art. 51 UNCh	1 yes S/19050, 17 August 1987					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<p>“The Jamahiriya, while exercising its right to self-defence in accordance with international instruments, urges the Security Council to assume its full responsibilities in maintaining peace and security” (S/10950)</p> <p>### Discussed the issue but did not find a solution, see Chad 6. Libya therein argued (S/PV/2721): ###</p> <p>“The [UN SC] is meeting today in circumstances that are lacking in objectivity and for reasons that are groundless. (...) meeting was instigated by those that wish to sow discord and confusion in Africa; those that are keenly interested in perpetuating their colonial, imperialist presence in that continent; those that support the continued shedding of African blood (...)”</p> <p>“the problem of Chad is an internal problem resulting from the remnants of French colonialism. The case is similar in numerous parts of the African continent”</p> <p>“The volatile situation and the civil war in Chad did not come about overnight (...) Habre attempted to set up an alternative government and went to Monrovia, Liberia, for that purpose. However, the OAU refused to recognize him. During the course of</p>

		<p>all those efforts and endeavours, Hissein Habre (...) was the only one who refused to accept the Accord and continued to rebel against the legitimate Government”</p> <p>“I affirm here Libya’s full respect for the people of Chad and for the integrity of their territory. Libya affirms that is has no wish to interfere in the internal affairs of Chad. We withdrew all our forces from Chad within the space of a few days”</p>
7. UNGA Reaction	3 unclear	<i>see Chad 7</i>
8. ICJ Reaction	3 unclear	<i>see Chad 8</i>
9. State Reaction	2 disapproves	<p>Disapproving</p> <p>Zaire:</p> <p>“No country, regardless of its military power, regardless of its financial or material resources, has the right to threaten the sovereignty and territorial integrity of another State, according to the provisions of either the [UNCh or OAU-Ch]” (S/PV.2721)</p> <p><i>see Chad 9</i></p>

47. Sino-Vietnamese Border War 1987

Key data

Duration: 05.1.1987-06.2.1987, Parties: Vietnam vs. China (PRC), Initiator: China.

710 China

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### In fora such as the UNGA and the UNSC, neither State addressed the January 1987 events.</p> <p>"Chinese frontier guards drove back several Vietnamese attacks across the border, destroying a company of Vietnamese soldiers today and 'wiping out' another 200 enemy troops, Xinhua, the official Chinese press agency, reported. [...] Neither country mentioned casualties to its own forces, and the conflicting claims could not be independently verified. The two nations rarely allow foreign journalists to visit their 800-mile border, scene of several reported skirmishes since China briefly</p>

							invaded Vietnam in 1979. Xinhua, quoting unidentified military sources, said Chinese frontier guards in Yunnan had repulsed repeated assaults by Vietnamese troops since Monday. From early Monday to this morning, Vietnamese troops launched a dozen attacks on Chinese positions at the Laoshan border area, Xinhua said. Vietnam's press agency had said China had suffered 500 casualties when an artillery-backed Chinese division tried to seize four hilltops in Vietnam's northern highlands of Vi Xuyen district in Ha Tuyen province. Two Chinese regiments were 'decimated' in the fighting early Monday, it said. It was the largest number of Chinese casualties claimed by Vietnam in any single skirmish along the border since 1979." ("China reports attacks by Hanoi", The New York Times, 8.1.1987, https://timesmachine.nytimes.com/timesmachine/1987/01/08/245687.html?pageNumber=40 , (accessed 11.08.2022))
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	### The conflict is not mentioned in the 1987 UNYB ###
7. UNGA Reaction	4 no reaction	

8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	

816 Vietnam

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					.7 validity	Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level			
0	0	0	0	0	0	0	<p>“Vietnam said today that its troops had repulsed a Chinese border attack. The official Vietnamese press agency, in a report monitored here, three Chinese attacks were foiled Ha Tuyen Province on Monday, ‘putting out of action almost 500 land-grabbers.’ Vietnam uses this phrase to describe Chinese casualties. China did not report the clashes. It was the largest number of Chinese casualties claimed by Vietnam since 1979. The two sides often trade charges of border aggression and at times exchange fire across the border. The Vietnamese press agency said the fighting this week began when Chinese troops, taking advantage of overcast skies, fired 14,000 artillery and mortar rounds at hilltop positions inside Vietnam. Under the support of the shelling, the Chinese troops stormed across the border, the report said. ‘The local armed forces promptly intercepted the aggressors,’ the agency said, adding that the Vietnamese seized ‘a considerable quantity of weapons and other war equipment.’” (“Hanoi reports Chinese attacks”, The New York Times, 7.1.1987, https://timesmachine.nytimes.com/timesmachine/1987/01/07/965487.html?pageNumber=2, (accessed 11.08.2022))</p> <p>UPI also cited sources from Vietnam, claiming that China had “launched division-size assaults on the Vi Xuyen district in Ha Tuyen province using different combat maneuvers between Monday and</p>	

							Wednesday. Chinese divisions have been known to contain up to 10,000 soldiers." (Vietnam Says Its Forces Killed 1,500 Chinese Troops In Border Fighting, UPI 9.1.1987)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	<i>see China 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	

48. Gulf War 1990-1991

Key data

Duration: 02.08.1990 – 11.04.1991; Parties: Iraq, Kuwait, USA, Canada, UK, Italy, Morocco, Egypt, Oman, France, UAE, Qatar, Saudi Arabia, Syria;

Initiator: Iraq.

645 Iraq

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2. Source of law	Contestation about					Material
		3. facts	4. interpretation	5. exceptional circumstances	6. abstr. gen. level	7. validity	
3 invitation	4 no spec.	1 Yes	1 Yes	2 No	2 No	2 No	<p>“First, the events taking place in Kuwait are internal matters which have no relation to Iraq. Secondly, the Free Provisional Government of Kuwait requested my Government to assist it to establish security and order so that the Kuwaitis would not have to suffer. My Government decided to provide such assistance solely on that basis. Thirdly, the Iraqi Government energetically states that Iraq is pursuing no goal or objective in Kuwait and desires cordial and good-neighbourly relations with Kuwait. Fourthly, it is the Kuwaitis themselves who in the final</p>

						<p>analysis will determine their future. The Iraqi forces will withdraw as soon as order has been restored. This was the request made by the Free Provisional Government of Kuwait. We hope that it will take no more than a few days , at the most a few weeks. Fifthly, there are reports that the previous Kuwaiti Government has been overthrown and that there is now a new Government. Hence, the person in the Seat of Kuwait here represents no one, and his statement lacks credence." (S/PV.2932, 2 August 1990, p. 11) ### Iraq repeated this argument in S/21436 ###</p> <p>Contestation about Application ### Other States (US, UK, Kuwait) disputed that first the Kuwaiti government had changed and then requested Iraqi assistance ### "[...] they invaded Kuwait and then staged the Coup d'état in a blatant and deceitful effort to justify their action – like the effort they have just made here [...]." (US statement in S/PV.2932, p. 13)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	12 other (irredentist claims)	"Since its establishment in 1921, the State of Iraq has refused to accept this artificial entity. All successive Iraqi governments continued demanding the return of this severed part of Iraq so that Iraq could regain its historical and geographical right in a manner that ensured its commercial and economic interests and provided it with the requirements necessary for the defence of its national security. (...) In 1961, Britain decided to grant the artificial entity of Kuwait what it called 'independence', a decision which prompted the then Prime Minister of Iraq to declare, in a press conference on 25 June 1961, that Iraq considered Kuwait

		<p>an integral part of its territory and that Iraq had never recognized the special relationship agreement between Britain and Kuwait which the Sheikh of Kuwait, Abdulla al-Salim al-Sabah, had signed with Colonel M.J. Meade, the British Political Resident in the Gulf, on 19 June 1961." (Letter by Tariq Aziz, Deputy Prime Minister and Foreign Minister of the Republic of Iraq to the Ministers of Foreign Affairs of all Countries in the World (Baghdad 4 September 1990), reprinted in Houston Journal of International Law 13 (1990), p. 288, 289)</p> <p>###Claim that the Allied Forces did not comply with the boundaries of the UNSC authorization###</p> <p>"Iraq has accepted resolutions 660 (1990) and 678 (1990) and the rest of the resolutions adopted by the Council under what is called 'The situation between Iraq and Kuwait'. However, the actions of the alliance under the command of the United States, which started its military operations with an aerial bombardment on the night of 16/17 January this year, operations which continued until after the land military operations had been suspended on 28 February, went beyond the objectives of resolution 678 (1990) in their violence and brutality. [...] Bombing civilian targets and killing civilian populations was a deliberate act for which the United States and its partners in the aggression should bear full responsibility. [...] These weapons missed 70 per cent of the targets, and they hit civilian targets, causing the death of tens of thousands of women and children and the elderly and the destruction of tens of thousands of houses and other civilian installations. [...] I should like to state here that the actions of the United States and its partners during their military operations against Iraq went far beyond Security Council resolution 678 (1990)." (S/PV.2981, pp. 22-26)</p> <p>"[...] yet another proof that America, through its aggression, has set aside the Fourth Geneva Convention, which is an attempt to put an end to the 'dirty' aspects of war. The use of such gases, in addition to intensive, round-the-clock air-raids that do not discriminate between a mosque and a church, a camp or an old man, makes the United States and its allies outlaws in international illegitimacy." (S/PV.2977 (Part II)(closed), p. 66)</p>
5.2	12 other (defence against economic aggression)	<p>"As for the government of Kuwait, its aggression against Iraq has been two-fold, on the one hand, Kuwait has committed aggression against Iraq and its rights by encroaching upon its territories and oilfields and by stealing its national wealth, an action tantamount to a military aggression. On the other hand, the Kuwaiti government deliberately wants to bring about a collapse in the Iraqi economy at this time in particular when Iraq is being subjected to a ferocious Imperialist-Zionist threat. This is an aggression no smaller, in the damage it perpetrates, than a military one." (Statement by Saddam Hussein as quoted in Houston Journal of International Law 13 (1990), p. 292)</p> <p>"The price of oil, at the time of the President's speech in Amman [February 1990], was somewhere between \$18 and \$21 per barrel. Immediately afterwards, we saw the rulers of Kuwait, supported by those of the Emirates, surprise us by their demand for an increase in their OPEC quotas. Without even waiting for the matter to be discussed in OPEC, [they] went ahead to flood the oil market through overproduction, bringing about a sharp fall in prices and a severe blow to Iraq's already debilitated revenues. The price of oil went down to \$11 per barrel, which represented a reduction of several billion dollars in Iraq's income, at a time when the country was encountering the very heavy economic burden left by the costs of the war [Iran-Iraq War]" (Letter by Tariq Aziz, Deputy Prime Minister and Foreign Minister of the Republic of Iraq to the Ministers of Foreign Affairs of all Countries in the World (Baghdad 04 September 1990), reprinted in Houston Journal of International Law 13 (1990), p. 291)</p>

		<p>“Leading up to Mr. Bush's message was increasingly bellicose behavior by Iraq, which crossed a new threshold in mid-July 1990 with a letter from Foreign Minister Tariq Aziz to the Arab League. The letter asserted that Kuwait's refusal to yield on disputes over the border, oil production and pricing policy and Iraq's multibillion-dollar debt to Kuwait, was tantamount to military aggression. On July 17, Mr. Hussein warned in a speech that Baghdad was prepared to use military force to attain its objectives”. (Gordon, "Pentagon Objected to Bush's message to Iraq", The New York Times, 25.10.1992, p. 14, https://timesmachine.nytimes.com/timesmachine/1992/10/25/468592.html?pageNumber=14, (accessed on 10 August 2022))</p>
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	Code	Material
6. UNSC Reaction	2 disapproves	<p>Resolution 660 of 2 August 1990 (adopted with 14 votes to none, Yemen not participating in the vote): The UNSC “[...] <i>Determining</i> that there exists a breach of international peace and security as regards the Iraqi invasion of Kuwait, <i>Acting</i> under Articles 39 and 40 of the Charter of the United Nations, 1. Condemns the Iraqi invasion of Kuwait; 2. Demands that Iraq withdraw immediately and unconditionally all its forces [...]”</p> <p>Resolution 662 of 9 August 1990 (adopted unanimously): The UNSC “[...] Gravely alarmed by the declaration by Iraq of a "comprehensive and eternal merger" with Kuwait, Demanding once again that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located on 1 August 1990, Determined to bring the occupation of Kuwait by Iraq to an end and to restore the sovereignty, independence and territorial integrity of Kuwait, Determined also to restore the authority of the legitimate Government of Kuwait, 1. Decides that annexation of Kuwait by Iraq under any form and whatever pretext has no legal validity, and is considered null and void [...]”</p> <p>Resolution 665 of 25 August 1990 (adopted with 13 votes to none, Yemen and Cuba abstaining): “<i>The Security Council</i> [...] 1. <i>Calls upon</i> those Member States co-operating with the Government of Kuwait which are deploying maritime forces to the area to use such measures commensurate to the specific circumstances as may be necessary under the authority of the Security Council to halt all inward and outward maritime shipping [...]”</p> <p>Resolution 678 of 29 November 1990 (adopted with 12 votes to 2 [Yemen, Cuba], China abstaining): “<i>The Security Council</i>, [...] <i>Noting</i> that despite all efforts by the United Nations, Iraq refuses to comply with its obligations to implement resolution 660 (1990) [...] Acting under Chapter VII of the Charter, 1. <i>Demands</i> that Iraq comply fully with resolution 660 (1990) and all subsequent relevant resolutions, and decides, while maintaining all its decisions, to allow Iraq one final opportunity, as a pause of goodwill, to do so; 2. <i>Authorizes</i> Member States co-operating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements, as set forth in paragraph 1 above, the above-mentioned resolutions, to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent resolutions and to restore international peace and security in the area; 3. <i>Requests</i> all States to provide appropriate support for the actions undertaken in pursuance of paragraph 2 above; 4. <i>Requests</i> the States concerned to keep the Security Council regularly informed on the progress of actions</p>

		<p>undertaken pursuant to paragraphs 2 and 3 above [...] ### China abstained because, as they claimed, not all peaceful alternatives had been fully exhausted (S/Pv. 2963, pp 62f); Statements by Cuba and Yemen see below ###</p> <p>Resolution 686 of 2 March 1991 (Adopted by 11 votes no 1 [Cuba], with 3 abstentions [China, India, Yemen]): <i>"The Security Council, [...] Affirming the commitment of all Member States to the independence, sovereignty and territorial integrity of Iraq and Kuwait, and noting the intention expressed by the Member States cooperating with Kuwait under paragraph 2 of resolution 678 (1990) to bring their military presence in Iraq to an end as soon as possible consistent with achieving the objectives of that resolution [...], Acting under Chapter VII of the Charter, 1. Affirms that all twelve resolutions noted above continue to have full force and effect; 2. Demands that Iraq implement its acceptance of all twelve resolutions noted above [...]."</i></p> <p>Resolution 687 of 3 April 1991 (Adopted by 12 votes to 1 [Cuba] with 2 abstentions [Ecuador, Yemen]): <i>"Conscious of the need to take the following measures acting under Chapter VII of the Charter, 1. Affirms all thirteen resolutions noted above, except as expressly changed below to achieve the goals of the present resolution, including a formal cease-fire;"</i></p>
7. UNGA Reaction	2 disapproves	<p>Resolution 45/170 of 18 December 1990: (Yes: 144 No: 1 [Iraq] Abstentions: 0 Non-Voting: 14) <i>"[...] Condemning the invasion of Kuwait on 2 August 1990 by the military forces of Iraq [...]"</i> ### The UNGA also adopted Resolutions regarding the Financing of the UNSC-initiated Observer mission to Iraq and Kuwait, see UNYB 1991, p 181 f ###</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p>### The overwhelming support for UNGA Res 45/170 ("Condemning the invasion of Kuwait") already indicates general disapproval by States. In addition, see the following quotes ###</p> <p>United Kingdom: <i>"This is an ugly moment in world affairs. We strongly condemn a clear breach of the Charter of the United Nations, as indeed of the Charter of the Arab League. The Security Council must today take its responsibilities." (S/PV.2932, p. 19)</i></p> <p>Colombia (p. 16), Malaysia (p. 18), Finland (p. 22), China (p. 23) likewise condemned the Iraqi invasion (S/PV.2932)</p> <p>Canada: <i>"There can be no question that the brutal Iraqi aggression against Kuwait is totally unacceptable and represents a flagrant violation of the Charter of the United Nations as well as international law. The international response to this aggression must be clear and unambiguous." (Mr. Fortier, speaking for Canada in the UNSC, S/PV.2932, p. 17)</i></p> <p>USSR: <i>"The Council's action is based on the clear awareness and belief that shirking its duty now by failing to reverse the aggression would mean even greater hardship and suffering for the world and for all nations." (Mr Shevardnadze, USSR Foreign Minister in S/PV.2963, p.91)</i></p>

	<p>United States of America: “[...] they invaded Kuwait and then staged the Coup d’état in a blatant and deceitful effort to justify their action – like the effort they have just made here [...] We deplore this blatant use of military aggression and violation of the United Nations Charter.” (S/PV.2932, p. 13)</p> <p>United Arab Emirates: “The occupation by Iraq of Kuwait constitutes an act of aggression which contravenes the Charter of the United Nations and international law.” (Letter A/45/921, 9 January 1991)</p> <p>“The Conference received with deep regret the news of the tragic incidents arising between two members of the Organization of the Islamic Conference, namely Iraq and Kuwait. [...] The Conference condemns the Iraqi aggression against Kuwait, and rejects all its consequences; it does not recognize anything arising therefrom; and demands that the Iraqi forces be withdrawn immediately from Kuwaiti territories and return to the positions they had held before 10 Muharram 1411H, corresponding to 1 August, 1990.” (Special Declaration on the situation between Iraq and Kuwait adopted by the Nineteenth Islamic Conference of Foreign Ministers held at Cairo, 4 August 1990)</p> <p>Cuba: <i>### criticizing the UNSC</i> “On the other hand, it is a real fact that the Security Council, by adopting a resolution for a total blockade, which did not except foodstuffs or medicines, turned millions of elderly people, women and children, who are no less innocent, into hostages of hunger and death.” (S/PV.2963, p. 53)</p> <p>“We have on previous occasions pointed out here the contrast between the attitude of the Council towards the Iraqi invasion of Kuwait and, to mention just two examples, towards the United States invasion of Panama not long ago and the situation in Palestine and the Arab territories [...]” (S/PV.2963, p. 56)</p> <p>“If that [authorizing the use of force] is how the crisis is to be resolved, there can be no denying that the procedure is uncivilized to say that least and it will cause the international community enormous frustration and show that the United Nations and the principal statesmen of today’s world are unable to solve problems politically and peacefully. The text before us moreover violates the Charter of the United Nations by authorizing some States to use military force in total disregard of the procedures established by the Charter.” (S/PV.2963, p. 58).</p>
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690 Kuwait

	Code
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Law invoked?	1 Yes
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>“Upon instructions from my Government, I have the honour to request an immediate meeting of the Security Council to consider the Iraqi invasion of Kuwait in the early morning of 2 August 1990.” (S/21423, Letter dated 2 August 1990 to the UNSC)</p> <p>“In that respect, I should like to assure the Council that Sheikh Jaber Ahmad Al-Sabah, Amir of Kuwait, Sheikh Sa’ad Al-Abdulla Al-Sabah, the Prime Minister, and the Government of Kuwait remain in control in Kuwait and are defending the country’s security.” (S/PV.2932, p. 6)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
1 yes	1 Treaty	<p>“Since the beginning of the treacherous Iraqi aggression against my country, Kuwait, your Council, backed by the entire international community, rejected and condemned that aggression, adopting a number of resolution, including under Chapter VII of the Charter, to put an end to it and reverse it.” (S/PV.2978, p. 91)</p> <p>“All these operations have been, and continue to be, conducted within the context of resolution 678 (1990). The fighting has not been expanded, nor is its target the destruction of Iraq.” (UNSC, S/PV.2977 (Part II) (closed), p. 16)</p>

		<p>“Our people and our sacred land have been subjected to attack in an armed military invasion by a sister country, Iraq. [...] Yet now we are exposed to military invasion of the whole of our territory and to the overthrow of all our constitutional institutions.” (S/PV.2932, p. 4-5)</p> <p>“[...] we are faced with the Iraqi invasion, which represents a flagrant violation of the Charter of the United Nations, particularly in paragraphs 3 and 4 of its Article 2. [...] The Council is responsible for the protection of Kuwait and its security, sovereignty, and territorial integrity, which have been violated.” (S/PV.2932, p. 7)</p> <p>“The Iraqi régime has disregarded the appeals by people to comply with the resolutions passed by the Council and has responded to the cries of those who suffer from the harshness of occupation of my country, Kuwait, and its vicious invading forces continue to sabotage every prospect for peace. Therefore, the international community, represented by the Security Council, should now feel free, at this stage, to use all necessary means available to it and in co-operation with my Government, as provided for in the draft resolution, in order to implement the resolutions adopted by the Council so as to put an end to this naked defiance and the inadmissible opposition to the will of the international community [...]” (Sheikh Al Sabah, Kuwaiti Foreign Minister, speaking before the UNSC, S/PV.2963, pp. 17f.)</p>
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see Iraq 6</i>
7. UNGA Reaction	1 approves	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see Iraq 9</i>

2 United States of America

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>“Today’s resolution [UNSC Res 678] is very clear. The words authorize the use of force. But the purpose, I believe – and, again, many here have already said this – is to bring about a peaceful resolution to this problem.” (S/PV.2963, p. 103)</p> <p>“Accordingly, pursuant to resolution 678, the military forces of the United States and other States co-operating with the Government of Kuwait initiated military action [...] on 16 January 1991 to liberate Kuwait, restore the legitimate Government of Kuwait, and restore international peace and security in the area consistent with resolution 600 and the subsequent relevant resolutions. The military actions initiated by the United States and other States co-operating with the Government of Kuwait are being carried out in full compliance with the applicable law of armed conflict. The purpose of these actions is the liberation of Kuwait, not the destruction, occupation or dismemberment of Iraq. They are directed strictly at military and strategic targets and every effort has been made to minimize civilian casualties. The United States hopes that these actions will be concluded as soon as possible consistent with the full implementation of resolution 660 and all subsequent relevant resolutions and the restoration of international peace and security in the area.” (S/22090, Letter dated 17 January 1991 to the President of the UNSC)</p> <p>“On the night of 23 February (eastern standard time), the military forces of the coalition, including United States' military forces, acting in accordance with Security Council resolution 678 (1990), launched ground operations to obtain full Iraqi compliance with all 12 relevant Security Council resolutions, and particularly to ensure the full withdrawal of Iraqi forces from Kuwait.” (S/22341, Letter dated 8 March 1991 to the President of the UNSC)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see Iraq 6</i>
7. UNGA Reaction	3 unclear	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see Iraq 9</i>

20 Canada

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					.7 validity	Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level			
2 Chapter VII	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>“In accordance with paragraph 4 of resolution 678 (1990), [<i>4. Requests the States concerned to keep the Security Council regularly informed on the progress of actions undertaken pursuant to paragraphs 2 and 3 above,</i>”] the purpose of this letter is to inform the Security Council that, as of 16 January 1991, Canadian Armed Forces in the Persian Gulf region are participating with the Armed Forces of other Members of the United Nations in military action in accordance with that resolution to enforce Iraqi compliance with resolution 660 (1990).” (S/22153, Letter dated 25 January 1991 to the President of the UNSC)</p> <p>“We sincerely hope Iraq will comply with these resolutions, as all of us wish to see peace instead of war. That choice, between peace and war, is now in the hands of Iraq.” (Mr. Clark, speaking after the adoption of S/Res/678, S/PV.2963, p. 74)</p> <p>### In further letters addressed to the UNSC President, Canada continuously invoked resolution 679 (1990), e.g. S/22192 and S/22292 ###</p>	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable							

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see Iraq 6</i>
7. UNGA Reaction	3 unclear	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see Iraq 9</i>

200 United Kingdom

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	"I have the honour to inform you on behalf of my Government that the Armed Forces of the United Kingdom in association with those of other States co-operating with the Government of Kuwait commenced action on the evening of 16 January 1991 pursuant to operative paragraph 2 of resolution 678. Military action initiated by the United States, United Kingdom, Saudi Arabia, Kuwait and France on 16 and 17 January is designed to achieve the liberation of Kuwait called for

						<p>in the resolutions, and not the destruction, occupation or dismemberment of Iraq. The United Kingdom hopes these actions will be concluded as soon as possible consistent with the full implementation of resolution 660 and all subsequent relevant resolutions and with the restoration of international peace and security in the area.” (S/22097, Letter dated 17 January 1991 from TK to the UNSC President)</p> <p>“Further to my letter of 17 January (S/22097) and in accordance with paragraph 4 of resolution 678 (1990), I have the honour to inform you on behalf of my Government that the armed forces of the United Kingdom in association with those of other States co-operating with the Government of Kuwait have continued their military action pursuant to operative paragraph 2 of resolution 678 (1990). The United Kingdom's objectives are as before to bring about Iraq's full and unconditional withdrawal from Kuwait and the restoration of the legitimate Government of Kuwait, and re-establish international peace and security in the area, and to uphold the authority of the United Nations.” (S/22115, Letter dated 21 January 1991)</p> <p>“Now, some have argued that the fighting should be confined to the territory of occupied Kuwait. A moment's thought will show why that self-limitation would not make it possible to achieve the objectives of resolution 676 (1990) - though I may add that coalition attacks are now concentrating more and more on Iraqi ground forces in and around Kuwait. But it requires a massive effort to dislodge this huge Iraqi war machine from Kuwait. Its logistical support and resources extend far beyond the confines of Kuwait. So hostilities cannot possibly be confined to the geographical limits of that country alone [...]The allied forces have been given the strictest instructions to strive to keep such casualties to the minimum and to avoid damaging sites of religious and cultural significance. That is a sharp contrast to Iraq's performance, which has included the indiscriminate firing of missiles at centres of civilian population [...]” (S/PV.2977 (Part II – closed), p. 74-75)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
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0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see Iraq 6</i>
7. UNGA Reaction	3 unclear	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see Iraq 9</i>

325 Italy

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100	Contestation about	Material

		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>“Italy, which has always upheld the need to comply with international legality, felt itself in duty bound to join in the effort of the community of States to restore it. Therefore, under the terms agreed upon in association with the coalition of countries co-operating with the Government of Kuwait, Italy has initiated military actions, of which it keeps the Council regularly informed, in compliance with operative paragraph 4 of resolution 678 (1990). Moreover, pursuant to operative paragraph 3 of that resolution, Italy has provided some logistical support to the coalition forces. [...] My country is thus acting within the framework of, and in strict compliance with, the resolutions of the Security Council. The aims of our action are those defined in resolution 678 (1990), and none other.” (Mr. Traxler, speaking on 15 February 1991, UNSC PV.2977 (Part II) (closed-resumption1), p. 143-146)</p> <p>“Pursuant to paragraph 4 of Security Council resolution 678 (1990), I have the honour to inform you, on behalf of my Government, that Italy, consistent with its responsibilities under the Charter of the United Nations and in accordance with paragraph 2 of the above-mentioned resolution, is participating, together with other Member States co-operating with the Government of Kuwait, in an action aimed at ensuring the implementation of resolution 660 (1990) and of all other relevant resolutions of the Security Council. Italy’s action, taken in close contact with the other States members of the European Community, is aimed at restoring international legality and respect of the Charter of the United Nations. This applies equally to the task of the military forces ,dispatched to the Gulf with the purpose of ensuring the implementation of resolution 678 (1990) in all its parts, as well as of all other relevant resolutions of the Security Council, acting in association with the other States that are co-operating with the Government of Kuwait in accordance with the Charter and resolutions of the United Nations.” (S/22126, Letter dated 22 January 1991 to the UNSC President)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see Iraq 6</i>
7. UNGA Reaction	3 unclear	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see Iraq 9</i>

600 Morocco

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	2 no	### Morocco did not send to the UNSC President a letter as requested by paragraph 4 of Security Council resolution 678 (1990). There was no relevant statement addressed to the UNSC ###					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	see Iraq 6
7. UNGA Reaction	3 unclear	see Iraq 7
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	see Iraq 9

651 Egypt

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					.7 validity	Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level			
1 self-defence <i>Collective self-defence under a Treaty of mutual assistance</i>	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>“The decision to send Egyptian units to help defend those two countries [Kuwait and Saudi Arabia] and other Arab States in the Gulf was an inevitable and unequivocal decision, taken in the light of our manifest contractual obligations, which we apply with all due seriousness and rigour. This people respects the law and the rule of legitimacy, upholds established rules and principles and abides by all the pacts and treaties into which it enters. As you know, the Treaty of Arab joint defence adopted by the Council of the League of Arab States on 13 April 1950 provides, in article 2, that States parties shall consider any act of armed aggression against any one or more of those States or against their forces to be an act of aggression against all such States. Accordingly, pursuant to their legitimate individual and collective right of self-defence, they undertake to provide assistance to the State or States attacked and immediately to take - both individually and collectively - all necessary steps, and to use all means at their disposal, including the use of armed force, to repulse the aggression in order to restore security and peace. [...] Accordingly, when I took my decision to send these military units to help those two fraternal countries defend themselves against the threat of aggression, and when I announced this decision to the citizens on 18 August 1990, I was complying with an established legal obligation.” (Speech delivered by President Mubarak to the Egyptian Parliament as cited in Letter dated 19 February 1991 to the United Nations, A/45/961, S/22250)</p>	

Letter sent in accordance with Art. 51 UNCh	1 Yes Letter S/22113 of 18 January 1991
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see Iraq 6</i>
7. UNGA Reaction	3 unclear	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see Iraq 9</i>

698 Oman

	Code
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Law invoked?	1 Yes
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>“The Council considered developments in the situation in the region since the commencement of the operation to liberate Kuwait carried out in implementation of Security Council resolution 678 (1990), which authorizes Member States to provide appropriate support to the Government of Kuwait and to use all necessary means to uphold and implement Security Council resolution 660 (1990) and all subsequent relevant resolutions concerning the aggression against Kuwait. The Council expressed its profound gratitude to the fraternal and friendly States which have placed themselves on the side of justice and supported lawfulness by taking a firm stand against the Iraqi aggression and taking part in the liberation of Kuwait. The Council affirmed that the operation to liberate Kuwait was based on international lawfulness as reflected in the resolutions of the United Nations Security Council which that body had adopted in implementation of Chapter VII of the Charter of the United Nations.” (Press communiqué of the Ministerial Council of the Gulf Cooperation Council, as cited in S/22187, Letter dated 1 February 1991, A/45/947)</p> <p>### Oman did not send to the UNSC President a letter as requested by paragraph 4 of Security Council resolution 678 (1990) ###</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see Iraq 6</i>
7. UNGA Reaction	3 unclear	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see Iraq 9</i>

220 France

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	“I have the honour to inform you, under paragraph 4 of Security Council resolution 678 (1990), of the action undertaken this day by France, in fulfilment of earlier commitments made within the framework of plans established jointly with its allies, with a view to securing the implementation of Security Council resolution 660 (1990) and of all pertinent subsequent resolutions of the Council. The action by the French forces present in the region has no other objective than that of liberating Kuwait.” (S/22100, Letter dated 17 January 1991 to the UNSC President, <i>referenced again in S/22131, S/22169, S/22210, S/22251</i>)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see Iraq 6</i>
7. UNGA Reaction	3 unclear	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see Iraq 9</i>

696 United Arab Emirates

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	### See the Press communiqué of the Ministerial Council of the Gulf Cooperation Council, quoted above (Oman) ###
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material

0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see Iraq 6</i>
7. UNGA Reaction	3 unclear	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see Iraq 9</i>

694 Qatar

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	3 3 4 8 2	Contestation about	Material
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		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>“[...] military operations for the liberation of the State of Kuwait commenced early today in implementation of Security Council resolutions which are supported by the State of Qatar” (Statement issued by the Minister of Foreign Affairs of Qatar on 17 January 1991, cited in S/22178, Letter dated 31 January 1991 to the UNSC President)</p> <p>### Also see the Press communiqué of the Ministerial Council of the Gulf Cooperation Council, quoted above (Oman). Qatar did not send to the UNSC President a letter as requested by paragraph 4 of Security Council resolution 678 (1990) ###</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see Iraq 6</i>
7. UNGA Reaction	3 unclear	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see Iraq 9</i>

670 Saudi Arabia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>"[...] in accordance with paragraph 4 of Security Council resolution 678 (1990) concerning military operations, I have the honour to inform you on behalf of my Government that the military forces of the Kingdom of Saudi Arabia, in co-operation with the forces of the other countries which are co-operating with the Government of Kuwait, have continued their military operations in accordance with paragraph 2 of resolution 678 (1990) to ensure the full and unconditional withdrawal of Iraq from Kuwait, the restoration of the legitimate Government of Kuwait, the restoration of international peace and security to the region, and the strengthening of the authority of the United Nations." (S/22200, Letter dated 6 February 1991 to the UNSC president)</p> <p><i>Also see the Press communiqué of the Ministerial Council of the Gulf Cooperation Council, quoted above (Oman)</i></p>

Letter sent in accordance with Art. 51 UNCh	0 – not applicable
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see Iraq 6</i>
7. UNGA Reaction	3 unclear	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see Iraq 9</i>

652 Syria

	Code
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Law invoked?	1 Yes
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	### Syria did not send to the UNSC President a letter as requested by paragraph 4 of Security Council resolution 678 (1990) ###
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see Iraq 6</i>
7. UNGA Reaction	3 unclear	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see Iraq 9</i>

49. First PKK in Iraq 1991-1992

Key data

Duration: 04.08.1991 – 25.03.1992; Parties: Turkey vs. Kurdistan Workers' Party (PKK), [Iraq]; Initiator: Turkey.

640 Turkey

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	2 No	1 Yes	2 No	1 Yes	2 No	<p>### self-defence against non-State actors</p> <p>"The first extensive trans-border operation which was not based on the right of hot pursuit was started on March 1, 1992. It was an air operation against the PKK camp at Hakurk in northern Iraq. The Iraqi government protested this operation, but Turkish officials refused to accept their protest. The reason for Turkey's refusal was the demonstrable lack of control of the Iraqi government in the region. It was emphasized that Turkey respected Iraq's territorial integrity and that the sole purpose of the operation was destroying the PKK camps established in northern Iraq which were beyond the</p>

							control of the Iraqi government (Hurriyet, 13 March 1992). Hence, Turkey explained these operations had been carried out within the framework of the right of self-defence.” (Keskin, Research Journal of Int Studies, 2008, p. 62)
Letter sent in accordance with Art. 51 UNCh	2 no						
2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
12 other (Right of hot pursuit)	4 no sepc.	1 Yes	1 Yes	2 No	1 Yes	2 No	<p>“A treaty giving permission to use the right of hot pursuit is not necessary according to international law. If a terrorist action which has started in one state’s territory continues in another state’s land, the former state can follow the terrorists with the condition of never losing sight of them” (Spokesman of the Ministry of Foreign Affairs, Murat Sungar, cited in Keskin, Research Journal of Int Studies, 2008, p. 64)</p> <p>### Turkish trans-border operations (e.g. in 1991) were “explained as applications of the right of hot pursuit, and were commenced after actions which had been carried out by the PKK on the Turkish territory” (Keskin, Research Journal of Int Studies, 2008, p. 64) ###</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						
4. Invocation of use of force by a victim state	.1 Source	Material					

0	0	
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Legitimacy Claim	Code	Material
5.1	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	

645 Iraq

	Code
Law invoked?	1 Yes

	2	Contestation about	Material

1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
1 yes	1 Treaty	<p>Iraq: claims “Turkish side’s violations of the territory of the Republic of Iraq and its sovereignty and territorial integrity”; these “blatant violations” “constitute a clear breach of the [UNCh], the principles of international law and the Iraq-Turkey border treaty of 1926” (S/23153, p. 2; <i>ibid. in S/23152</i>)</p> <p>### see also invocation of use of force by Iraq in Case Note #479: the position in 1997 was more elaborate ###</p>

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	

PKK

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	

50. Bosnian War of Independence 1992

Key data

Duration: 1.4.1992 – 5.6.1992; Parties: Bosnia (Bosnian Muslims and Bosnian Croats), Croatia vs. Yugoslavia, Bosnian Serbs; Initiator: Yugoslavia.

346 Bosnia Hercegovina [Bosnian Muslims, Bosnian Croats]

Code								
Law invoked?	1 Yes							
1.1 Justificatory claim	.2 Source of law	Contestation about					.7 validity	Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level			
0	0	0	0	0	0	0		
Letter sent in accordance with Art. 51 UNCh	0 – not applicable							

4. Invocation of use of force by a victim state	.1 Source	Material
1 yes	4 no spec.	<p>### The following statements are made after June 1992, when conflict #215 was officially already over. Nevertheless, they are relevant to this conflict, as there is a factual connection with this conflict. ###</p> <p>### Bosnia and Herzegovina requested the Security Council to take appropriate collective measures in accordance with Chapter VII of the Charter. ###</p> <p>“In view of the deteriorating situation in Bosnia and Herzegovina, with regard to the most serious violations of human rights and international law, involving acts of interference and armed intervention by a foreign country, threatening international peace and security, I have the honour to request, on behalf of the Government of Bosnia and Herzegovina, an urgent emergency meeting of the Security Council, with formal debate, to consider the situation there and take appropriate collective measures as provided for in Chapter VII of the Charter to restore peace and stability in the region.” (S/24401, Letter of 10 August 1992 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council)</p> <p>“At the same time, he [the President of Bosnia and Herzegovina] pointed to excessive territorial claims of the Serbs as the source of the conflict.” (UN Yearbook 1992, p. 347)</p> <p>“According to Croatian Democratic Community (HDZ) leaders at Sarajevo, their community in Bosnia and Herzegovina wished the republic, which was their homeland, to be independent.” (UN Yearbook 1992, p. 347)</p> <p>### Bosnia and Herzegovina described the Yugoslav Army as an “Aggressor” and its actions as aggression and ethnic cleansing. Bosnia and Herzegovina is claiming to be entitled to “Certain rights in the face of outside aggression”. However, the wording does not indicate the invocation of a legal justificatory claim. Rather, the Security Council is requested to issue and implement another resolution effectively. ###</p> <p>“The troops of the former Yugoslav People’s Army which are now withdrawing from the Dubrovnik region and the Prevlaka Peninsula, were to withdraw under supervision of UNPROFOR observers. (...) These troops are now entering the territory of Bosnia and Herzegovina in the direction of Stolac, north-west of Dubrovnik. Excellency, the aggressor is deviously using every mechanism including the diplomatic process itself to continue and intensify its violent campaign in Bosnia and Herzegovina. Furthermore, the aggressor has intensified its use of helicopters for the transfer of troops and ammunition. Security Council resolution 781 (1992) prohibits all military flights over the territory of Bosnia and Herzegovina, including the use of helicopters. (...) The international community must finally act decisively in the former Yugoslavia, and refuse to allow itself to be used as a devious tool of aggression and ‘ethnic cleansing’.” (S/24675, Letter of 16</p>

		<p>October 1992 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council)</p> <p>“Heavy destruction of towns of Maglaj and Gradacac in northern Bosnia by the aggressor’s air force continue. (...) As a Member of the United Nations, the Republic of Bosnia and Herzegovina is entitled to certain rights in the face of outside aggression. The Security Council has passed numerous resolutions intended to protect those rights. However, the Security Council refuses to resolutely implement and enforce and of the resolutions. It is our understanding that the Security Council is considering another such resolution. A resolution which would establish a ‘no-fly zone’. (...) continued aggression from the air and result in hundreds or even thousands of unnecessary deaths and certainly tens of thousands of new victims of ethnic cleansing.” (S/24640, Letter of 7 October 1992 from the President of the Republic of Bosnia and Herzegovina addressed to the President of the Security Council)</p>
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<p>### Prior to this conflict, in 1991, the UNSC characterized the situation in Yugoslavia as a “threat to international peace and security” and implemented a general embargo on deliveries of weapons and military equipment on Yugoslavia. In February 1992, the UNSC increased its efforts to prevent the deterioration of the situation by creating the UNPROFOR [United Nations Protection Force], a peacekeeping operation “to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis”. ###</p> <p>### In May 1992, the UNSC demanded that States must respect the territorial integrity of Bosnia and Herzegovina. It further demanded the cessation of all forms of external interference in Bosnia and Herzegovina, especially demanding the withdrawal of YNA and Croatian army units from Bosnia and Herzegovina. Thereby, the UNSC acts approving with regard to Bosnia and Herzegovina. ###</p> <p>UNSC Res 713, 25 September 1991: “Concerned that the continuation of this situation constitutes a threat to international peace and security 6. Decides, under Chapter VII of the Charter of the United Nations, that all States shall, for the purposes of establishing peace and stability in Yugoslavia, immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia (...)”</p> <p>UNSC Res 743, 21 February 1992:</p>

	<p>“2. <i>Decides</i> to establish, under its authority, a United Nations Protection Force in accordance with the above-mentioned report and the United Nations peace-keeping plan (...)”</p> <p>UNSC Res 752, 15 May 1992 (Adopted unanimously): “1. <i>Demands</i> that all parties and others concerned in Bosnia and Herzegovina stop the fighting immediately (...) 3. <i>Also demands</i> that all forms of interference from outside Bosnia and Herzegovina, including by units of the Yugoslav People’s Army as well as elements of the Croatian Army, cease immediately, and that Bosnia and Herzegovina’s neighbours take swift action to end such interference and respect the territorial integrity of Bosnia and Herzegovina; 4. <i>Demands</i> also that those units of the Yugoslav People’s Army and elements of the Croatian Army now in Bosnia and Herzegovina must either be withdrawn, or be subject to the authority of the Government of Bosnia and Herzegovina, or be disbanded and disarmed with their weapons under effective international monitoring (...) 5. <i>Demands</i> further that all irregular forces in Bosnia and Herzegovina be disbanded and disarmed;”</p> <p>UNSC Res 757, 30 May 1992: “1. Condemns the failure of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), including the Yugoslav People’s Army, to take effective measures to fulfil the requirements of resolution 752 (1992); 2. Demands that any elements of the Croatian Army still present in Bosnia and Herzegovina act in accordance with paragraph 4 of resolution 752 (1992) without further delay;”</p> <p>### <i>In August 1992, the UNSC authorized the use of force as a necessity to restore peace and security in the country for the first time. However, this resolution lies outside the scope of conflict # 215. In September 1992, the UNSC enlarged the UNPROFOR-Mandate to include the use of “all necessary means” to the same ends. ###</i></p> <p>UNSC Res 770, 13 August 1992: “Acting under Chapter VII of the Charter of the United Nations, 1. <i>Reaffirms</i> its demand that all parties and others concerned in Bosnia and Herzegovina stop the fighting immediately; 2. <i>Calls upon</i> States to take nationally or through regional agencies or arrangements all measures necessary to facilitate in coordination with the United Nations the delivery by relevant United Nations humanitarian organizations and others of humanitarian assistance to Sarajevo and wherever needed in other parts of Bosnia and Herzegovina; 6. <i>Demands</i> that all parties and others concerned take the necessary measures to ensure the safety of United Nations and other personnel engaged in the delivery of humanitarian assistance;”</p> <p>UNSC Res 776, 14 September 1992: “2. <i>Authorizes</i>, in implementation of paragraph 2 of resolution 770 (1992), the enlargements of UNPROFOR's mandate and strength in Bosnia and Herzegovina recommended by the Secretary-General in that report to perform the functions outlined in the report, including the protection of convoys of released detainees if requested by the International Committee of the Red Cross;”</p>
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		UNSC Res 781, 9 October 1992: "1. <i>Decides to establish a ban on military flights in the airspace of Bosnia and Herzegovina (...)</i> "
7. UNGA Reaction	1 approves	<p>### <i>The UNGA did not react to conflict #215 during the conflict time. However, after this conflict, it reaffirmed Bosnia and Herzegovina's right to self-defence in accordance with Article 51 UNCh. It also affirmed the necessity of respecting the national sovereignty and territorial integrity of Bosnia and Herzegovina as well as its support for the Government. Thereby, the UNGA approves Bosnia and Herzegovina's actions. ###</i></p> <p>UNGA Res/46/237, 20 July 1992 (Adopted without vote): "Decides to admit the Republic of Bosnia and Herzegovina to membership to the United Nations"</p> <p>UNGA Res 46/242, 25 August 1992 (Voting summary: 136; 1; 5): "Deploing the grave situation in Bosnia and Herzegovina and the serious deterioration of the living conditions of the people there, especially the Muslim and Croat populations, arising from the aggression against the territory of the Republic of Bosnia and Herzegovina, which constitutes a threat to international peace and security, Reaffirming the necessity of respecting the sovereignty, territorial integrity, political independence and national unity of the Republic of Bosnia and Herzegovina, and rejecting any attempt to change the boundaries of that Republic Reaffirming also the inherent right of the Republic of Bosnia and Herzegovina to individual and collective self-defence in accordance with Article 51 of the Charter (...) 3. Demands further that those units of the Yugoslav People's Army and elements of the Croatian Army now in Bosnia and Herzegovina must either be withdrawn, or be subject to the authority of the Government of Bosnia and Herzegovina (...) 5. Reaffirms its support for the Government and people of Bosnia and Herzegovina in their struggle to safeguard their sovereignty, political independence, territorial integrity and unity"</p> <p>UNGA Res 47/121, 7 April 1993 (Voting summary: 102-0-57): "1. Reaffirms its support for the Government and people of Bosnia and Herzegovina in their struggle to safeguard their sovereignty, political independence, territorial integrity and unity 2. Strongly condemns Serbia, Montenegro and Serbian forces in the Republic of Bosnia and Herzegovina for violation of the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina (...) 4. Demands in accordance with Security Council resolution 752 (1992), all elements of the Yugoslav People's Army still in the territory of the Republic of Bosnia and Herzegovina must be withdrawn immediately (...)"</p>
8. ICJ Reaction	3 unclear	<p>ICJ- Application of the Convention on the Prevention and Punishment of the Crime of Genocide Case (Bosnia and Herzegovina v Serbia and Montenegro ### <i>It has to be noted that the judgement relates to the conflict in Yugoslavia from 1992 until 1995. It therefore relates to conflict #215 as well as intra-state-war #887, which is not part of this case note. ###</i></p>

	<p>### In its case “Application of the Convention on the Prevention and Punishment of the Crime of Genocide Case (Bosnia and Herzegovina v Serbia and Montenegro)” the ICJ issued its first decision on the merits in the case on 26. February 2007. The ICJ concluded that its jurisdiction was confined to the crime of genocide pursuant to Art. IX Genocide Convention and found that Serbia was not responsible for genocide committed on the territory of Bosnia and Herzegovina between 1992 and 1995, with the exception of the massacre of Srebrenica. Furthermore, the ICJ stated to have no jurisdiction to pronounce on crimes against humanity, war crimes and other atrocities, even though the Court found that evidence of massive systematically conducted killings during the conflict exists. All in all, the ICJ’s position regarding the legality of actions taken by Yugoslavia under the right of the use of force remains unclear. ###</p> <p>“The Court finds that it is established by overwhelming evidence that massive killings in specific areas and detention camps throughout the territory of Bosnia and Herzegovina were perpetrated during the conflict. Furthermore, the evidence presented shows that the victims were in large majority members of the protected group, which suggests that they may have been systematically targeted by the killings. The Court notes in fact that, while the Respondent contested the veracity of certain allegations, and the number of victims, or the motives of the perpetrators, as well as the circumstances of the killings and their legal qualification, it never contested, as a matter of fact, that members of the protected group were indeed killed in Bosnia and Herzegovina. The Court thus finds that it has been established by conclusive evidence that massive killings of members of the protected group occurred.” (ICJ, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgement, I.C.J. Reports 2007, para. 276)</p> <p>“The killings outlined above may amount to war crimes and crimes against humanity, but the Court has no jurisdiction to determine whether this is so.” (ICJ, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgement, I.C.J. Reports 2007, para. 277)</p> <p>“The Court finds that virtually all the incidents recounted by the Applicant have been established by the available evidence. It takes account of the assertion that the Bosnian army may have provoked attacks on civilian areas by Bosnian Serb forces, but does not consider that this, even if true, can provide any justification for attacks on civilian areas. On the basis of a careful examination of the evidence presented by the Parties, the Court concludes that civilian members of the protected group were deliberately targeted by Serb forces in Sarajevo and other cities. However, reserving the question whether such acts are in principle capable of falling within the scope of Article II, paragraph (c), of the Convention, the Court does not find sufficient evidence that the alleged acts were committed with the specific intent to destroy the protected group in whole or in part.” (ICJ, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgement, I.C.J. Reports 2007, para. 328)</p> <p>“In view of the foregoing, the Court concludes that the Respondent violated its obligation to prevent the Srebrenica genocide in such a manner as to engage its international responsibility.” (ICJ, Application of the Convention on the Prevention and</p>
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		Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgement, I.C.J. Reports 2007, para. 438)
9. State Reaction	1 approves	<p>### States recognize Bosnia and Herzegovina to be an independent state and consider the situation in the country to constitute a threat to the international peace and security. Actions taken by Serbian forces and the YNA are condemned, and are described as aggression. Only Serbia disapproves actions taken by Bosnia and Herzegovina. ###</p> <p>Serbia: ### Serbia disapproves actions taken by Bosnia and Herzegovina. ### “According to the President of Serbia, the principal responsibility for the fighting lay with the President of Bosnia and Herzegovina and hostilities had been initiated by units from Croatia. The best solution to the problem, in his view, would be the cantonization of Bosnia and Herzegovina within its existing borders along ethnic lines. (...)The President of Serbia acknowledged the presence of Serb irregulars, particularly along the west bank of the Drina River. According to JNA leadership, all three communities.” (UN Yearbook 1992, p. 344)</p> <p>European Union: ### The European Union recognizes Bosnia and Herzegovina to be independent. ### “The European Community, which recognized Bosnia and Herzegovina as an independent and sovereign State as of 7 April, supported efforts to bring about a peaceful solution through negotiations on future constitutional arrangements.” (UN Yearbook 1992, p. 344)</p> <p>“Pressure for sanctions against Serbia, including the possible rupture of diplomatic relations and a trade and financial embargo, has been mounting in the Bush Administration and in the governments of several European nations.” (John Burns, “Bosnia Factions Sign New Truce Accord”, The New York Times, 24.4.1992, https://www.nytimes.com/1992/04/24/world/bosnia-factions-sign-new-truce-accord.html (accessed on 20 November 2022))</p> <p>“They [the European community and its member states] specifically call upon Serbian and Croatian Governments to exercise all their undoubted influence to end the interference in the affairs of an independent Republic [of Bosnia and Herzegovina] and to condemn publicly and unreservedly the use of force in Bosnia and Herzegovina.” (S/23812, Letter of 14 April 1992 from the permanent Representatives of Belgium, France and the United Kingdom of Great Britain and Northern Ireland to the United Nations Adressad to the President of the Security Council)</p> <p>United States of America: “The aggression of the Serbian regime and the armed forces it has unleashed against Bosnia and Herzegovina represents a clear threat to international peace and security and grave challenge to the values and principles which underlie the Helsinki Final Act, the Charter of Paris, and the United Nations Charter.” (S/PV.3082, 30 May 1992, p. 33)</p>

	<p>Russian Federation: “The expansion of the ethnic strife into a broader bloody conflict involving groups and forces from republics bordering on Bosnia and Herzegovina constitutes a real threat to the countries of the region and to international peace and security.” (S/PV.3082, 30 May 1992, p. 36f.)</p> <p>France: “The European Community and its member States have already adopted a series of measures against the Federal Republic of Yugoslavia and have called upon the Security Council to take similar actions.” (S/PV.3082, 30 May 1992, p. 39)</p> <p>Croatia: <i>### Croatia recognizes Bosnia and Herzegovina to be independent. ###</i> “Croatia had recognized Bosnia and Herzegovina’s independence and the Republic of Serbia should do the same. While accusing JNA of siding with Serb territorials, they stressed that JNA was the crucial element in a peaceful solution.” (UN Yearbook of 1992, p. 347)</p> <p>Cape Verde: “Bosnian Muslims are being expelled from their homes to give way to “ethnically pure” areas, of bad memory, in a show of total disregard of humanitarian law and creating a serious and difficult refugee situation. (...) The conflict in the Balkans has the potential to be a major source of destabilization of international peace and security if it is not controlled and contained. (...) This armed conflict must come to an end. The aggression against Bosnia should be repelled, and the rights and dignity of the Bosnian victims of this conflict should be restored.” (S/PV.3106, 13 August 1992, pp. 5-6)</p> <p>“The violence against Bosnia and Herzegovina intensified in the last two weeks, as they were then unwilling and unable to take strong countermeasures to bring the carnage to a halt (...).The Council (...) should at all times condemn and take prompt and appropriate measures against any aggressor.” (S/PV.3082, 30 May 1992, pp. 6-7)</p> <p>Ecuador: “As a result of the blind internal fighting [in Bosnia and Herzegovina], aggravated by aggressive foreign intervention, the complications of the humanitarian situation (...) have reached an extreme that is intolerable for any civilian conscience. (...) The Government of the Republic of Bosnia and Herzegovina has formally addressed itself in writing to the Security Council, requesting it to act to that end. We are now meeting to respond to the collective outcry and to the express request of Bosnia and Herzegovina. (...) The existing situation is without doubt a threat to international peace and security and the provision of humanitarian assistance is a basic condition for the restoration of peace and security in the region.” (S/PV.3106, 13 August 1992, p. 7, 8)</p> <p>India:</p>
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	<p>“We all know that even the Serb forces in Bosnia, who continue by far the largest and most efficient fighting machine, and who seem to be primarily though not exclusively responsible for what is going on (...).” (S/PV.3082, 30 May 1992, p. 13)</p> <p>“India has been horrified by the violence there and condemns it. We believe that the international community has a duty to make all efforts to bring this violence to an end. (...) There is thus a clear threat to international peace and security that the Council must address.” (S/PV.3082, 30 May 1992)</p> <p>Zimbabwe: “The situation in Bosnia and Herzegovina is essentially a civil war.” (S/PV.3106, 13 August 1992, p. 17)</p> <p>Morocco: “This is not a question of a civil war: it is a question of the invasion of one State by another State, which has cold-bloodedly planned genocide; it is a question of action undertaken to destroy a young, independent State because that State wished to have a democratic structure and to show the free world that It was capable of promoting true democracy.” (S/PV/3106, 30 May 1992, pp. 19-20)</p> <p>Japan: “Concerned about the deteriorating situation in Bosnia and Herzegovina. The numerous cease-fire agreements have not been honored, and the parties to the conflict show no sign of laying down their arms.” (S/PV.3106, 30 May 1992, p. 21)</p> <p>Australia: “The facts are clear. What is happening in Bosnia and Herzegovina is primarily an aggression against the legitimate Government of a State member of the [UN].” (S/PV.3106, 30 May 1992, p. 23)</p> <p>Hungary: “[T]here is an urgent need for a negotiated political solution to the situation in Bosnia and Herzegovina if we are to protect and preserve the sovereignty, territorial integrity and political independence of that country (...). Isolation of the illegal military forces, including the irregular Serbian forces, which are not operating under the control of any sovereign Government, would help to put an end to the hostilities in Bosnia and Herzegovina [...].” (S/PV.3106, pp. 33 ff.)</p>
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345 Yugoslavia [Yugoslav Army JNA]

	Code
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Law invoked?	2 No
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### Note: the involvement of YNA after June 1992 is contested by Yugoslavia, as it claimed to have withdrawn Bosnia and Herzegovina by May 1992, even though 80,000 troops remained in Bosnia. However, this contestation is part of intra-state conflict #887 and not part of conflict #215 (which ends in June 1992). ###</p> <p>“Yugoslavia agreed and claimed to have withdrawn its JNA forces from May 1992, though the evacuation of the Marshal Tito barracks in Sarajevo on June 5, 1992 marks the end of direct Yugoslav participation and the end of the inter-state phase of the war. However, 80,000 former JNA forces did remain in Bosnia and continued fighting with the Bosnian Serbs against the Bosnian government.” (Resort to War- Correlates of War Series, p. 177)</p> <p>### <i>The Serbs of Bosnia and Herzegovina and the JNA are fighting against the Bosnian Muslims and Croats. They have the goal of establishing a state independent of Bosnia and Herzegovina, which could be annexed to Serbia at a later point of time. It is aimed at establishing “ethnically pure” regions in the country. None of these objectives can be classified as a justificatory or legitimacy claim.</i> ###</p> <p>“The political goals of the Serbian authorities in Belgrade appear to have been to carve a new set of territories for the Serbs out of both Croatia and Bosnia and Herzegovina, to be added to Serbia and Montenegro. These coincided with the attempts of the JNA forces to prevent each of these Republics from achieving effective independence.” (International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, Prosecutor v. Zejnil Delalic, IT-96-21-T, 16.11.1998, p.46)</p>

						<p>“Territory was seized by military force [referring the Serbs] and the non-Serb population was then intimidated.” (UN Yearbook 1992, p. 348)</p> <p>“All international observers agree that what is happening is a concerted effort by the Serbs of Bosnia-Herzegovina, with the acquiescence of, and at least some support from, JNA, to create “ethnically pure” regions in the context of negotiations on the “cantonization” of the Republic in the EC Conference on Bosnia-Herzegovina (...). The techniques used are the seizure of territory by military force and intimidation of the non-Serb population.” (S/23900, “Further Report of the Secretary General pursuant to Security Council Resolution 748 (1992)”)</p> <p>“Battles have raged at strategic towns all over Bosnia and Herzegovina, culminating with heavy fighting in Sarajevo, mainly as a result of efforts by the republic's Serbian minority to carve out enclaves for themselves that would be separate from the independent Bosnia and Herzegovina declared by the Muslim Slavs and Croats. (...) The Serbian objective appears to have been to create Serb-controlled enclaves in Bosnia and Herzegovina, as in Croatia, that could later be linked to Serbia in what Serbian officials have called ‘a greater Serbia’.” (John Burns, “Bosnia Factions Sign New Truce Accord”, The New York Times, 24.4.1992, https://www.nytimes.com/1992/04/24/world/bosnia-factions-sign-new-truce-accord.html (accessed on 20 November 2022))</p> <p>“Among Muslim Slav and Croatian leaders, the Serbian offensives have been seen as an attempt to consolidate Serb territories in the republic for later annexation to Serbia.” (John Burns, “Sarajevo’s Center Erupts in War, Weakening Yugoslav Truce Effort”, The New York Times, 3.5.1992, https://www.nytimes.com/1992/05/03/world/sarajevo-s-center-erupts-in-war-weakening-yugoslav-truce-effort.html (accessed on 20 November 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					
4. Invocation of use of force by a victim state	.1 Source	Material				

0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	2 disapproves	<p>### The UNSC disapproved actions taken by Yugoslavia, as it demanded the cessation of all forms of external interference in Bosnia and Herzegovina, especially demanding the withdrawal of YNA and Croatian army units from Bosnia and Herzegovina. ###</p> <p>### Subsequently, in August the UNSC authorized the use of force as a necessity to restore peace and security in the country for the first time. However, this resolution lies outside the time frame of conflict # 215. In September 1992 UNSC enlarged the UNPROFOR-Mandate to include the use of "all necessary means" to the same ends. ###</p> <p>UNSC Res 752, 15 May 1992: Adopted unanimously "1. Demands that all parties and others concerned in Bosnia and Herzegovina stop the fighting immediately (...) 3. Also demands that all forms of interference from outside Bosnia and Herzegovina, including by units of the Yugoslav People's Army as well as elements of the Croatian Army, cease immediately, and that Bosnia and Herzegovina's neighbours take swift action to end such interference and respect the territorial integrity of Bosnia and Herzegovina; 4. Demands also that those units of the Yugoslav People's Army and elements of the Croatian Army now in Bosnia and Herzegovina must either be withdrawn, or be subject to the authority of the Government of Bosnia and Herzegovina, or be disbanded and disarmed with their weapons under effective international monitoring (...) 5. Demands further that all irregular forces in Bosnia and Herzegovina be disbanded and disarmed; [...]"</p> <p>UNSC Res 757, 30 May 1992:</p>

		<p>“1. Condemns the failure of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), including the Yugoslav People’s Army, to take effective measures to fulfil the requirements of resolution 752 (1992); 2. Demands that any elements of the Croatian Army still present in Bosnia and Herzegovina act in accordance with paragraph 4 of resolution 752 (1992) without further delay; [...]”</p> <p>### In August, the UNSC authorized the use of force as a necessity to restore peace and security in the country for the first time. However, this resolution lies outside the scope of conflict # 215. In September 1992, the UNSC enlarged the UNPROFOR-Mandate to include the use of “all necessary means” to the same ends. ###</p> <p>UNSC Res 770, 13 August 1992: “Acting under Chapter VII of the Charter of the United Nations, 1. Reaffirms its demand that all parties and others concerned in Bosnia and Herzegovina stop the fighting immediately; 2. Calls upon States to take nationally or through regional agencies or arrangements all measures necessary to facilitate in coordination with the United Nations the delivery by relevant United Nations humanitarian organizations and others of humanitarian assistance to Sarajevo and wherever needed in other parts of Bosnia and Herzegovina; 6. Demands that all parties and others concerned take the necessary measures to ensure the safety of United Nations and other personnel engaged in the delivery of humanitarian assistance; [...]”</p> <p>UNSC Res 776, 14 September 1992: “2. Authorizes, in implementation of paragraph 2 of resolution 770 (1992), the enlargements of UNPROFOR's mandate and strength in Bosnia and Herzegovina recommended by the Secretary-General in that report to perform the functions outlined in the report, including the protection of convoys of released detainees if requested by the International Committee of the Red Cross; [...]”</p> <p>UNSC Res 781, 9 October 1992: “1. Decides to establish a ban on military flights in the airspace of Bosnia and Herzegovina [...]”</p>
7. UNGA Reaction	2 disapproves	<p>### During the time of conflict #215 no reaction by the UNGA is given with regard to Yugoslavia. However, after this conflict, the UNGA demanded the YNA to withdraw from Bosnia and Herzegovina and condemned Serbia, Montenegro and Serbian forces for violation Bosnia and Herzegovina’s territorial integrity. Thereby, the UNGA disapproved the actions taken by Yugoslavia. ###</p> <p>UNGA Res 46/242, 25 August 1992 (Voting summary: 136; 1; 5): “Deploring the grave situation in Bosnia and Herzegovina and the serious deterioration of the living conditions of the people there, especially the Muslim and Croat populations, arising from the aggression against the territory of the Republic of Bosnia and Herzegovina, which constitutes a threat to international peace and security, [...] 3. Demands further that those units of the Yugoslav People’s Army and elements of the Croatian Army now in Bosnia and Herzegovina must either be withdrawn, or be subject to the authority of the Government of Bosnia and Herzegovina[...]</p>

		UNGA Res 47/121, 7 April 1993 (Voting summary: 102-0-57): “2. Strongly condemns Serbia, Montenegro and Serbian forces in the Republic of Bosnia and Herzegovina for violation of the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina [...] 4. Demands in accordance with Security Council resolution 752 (1992), all elements of the Yugoslav People’s Army still in the territory of the Republic of Bosnia and Herzegovina must be withdrawn immediately [...] ”
8. ICJ Reaction	3 unclear	<i>see Bosnia and Herzegovina 8</i>
9. State Reaction	2 disapproves	### States disapprove actions taken by Yugoslavia. For further information see Bosnia and Herzegovina 9 ###

344 Croatia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
10 denial of involvement	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	<p>1.3. Contestation about facts: ### No justificatory claim was raised, as Croatia rather contested its participation in the conflict (contestation about facts, 1.3). ###</p> <p>“The firm position of the Croatian President was that regular Croatian Army troops were not engaged in the fighting in the republic [referring to Bosnia& Herzegovina]. However, he acknowledged that Croat irregulars were involved, particularly in the Croat-majority region of western Herzegovina.” (UN Yearbook 1992, p. 347)</p> <p>### The ICTY ruled on 13 September 1996, that Croatia was directly involved in the conflict. ###</p>

						<p>“Trial Chamber II, in its decision today in the Rajic Rule 61 Hearing, established Croatia's direct and indirect involvement in the war in Bosnia and Herzegovina. The Chamber found that Croatian troops took a direct part in the conflict and that, in addition, Croatia was a sponsor of the Bosnian Croat troops (the HVO). Trial Chamber II ruled that there is ‘prima facie evidence that units of the Croatian Army were present in central Bosnia during the period from late 1992 to March 1994 and that these Croatian Army troops were sent to Bosnia by the Croatian Government and were engaged, alongside the Bosnian Croat forces, in fighting against the Bosnian Government’.” (ICTY, Rajic case “Trial Chamber establishes Croatia's direct involvement in the conflict in Bosnia”, 13 September 1996, Press Release, https://www.icty.org/en/sid/7319 [last accessed 01.09.2022] (accessed on 20 November 2022))</p> <p><i>### The International Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia found that Croatia's aim was to establish a “Greater Croatia” in parts of the borders of Bosnia and Herzegovina. ###</i></p> <p>“In paragraphs 15 and 16 of the Indictment, it is alleged in particular that several persons, including Franjo Tučman, Mate Boban and the six Accused, set up a JCE, the ultimate purpose of which was to join those territories of BiH which were claimed to be part of the Croatian Community (and later Republic) of Herceg-Bosna in the short term or over time within a ‘Greater Croatia’. Additionally, this ‘Greater Croatia’ was to have the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941, either through joining it with Croatia, or in close association with it.” (IT-04-74-T, International Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, “The Prosecutor v. Jadranko Prilic, Bruno Stojic, Slobidan Praljak, Milivoij Petkovic, Valentin Coric, Berislav Pusic”, Judgement, Volume 4 of 6, 29 May 2013, https://www.icty.org/x/cases/prlic/tjug/en/130529-4.pdf [accessed on 01 September 2022])</p> <p>“The Chamber considers that the evidence demonstrates that there was only one, single common criminal purpose – domination by the HR H- B Croats through ethnic cleansing of the Muslim population. [...] It is clear from the evidence that as of December 1991, the leaders of the HZ(R) H-B, including Mate Boban, and leaders of Croatia, including Franjo Tučman, believed that to achieve the political purpose in the long-term, namely, the establishment of a Croatian entity reconstituting in part the borders of the 1939 Banovina to facilitate the reunification of the Croatian people, it was necessary to change the ethnic make-up of the territories claimed to form part of the HR H- B [...]” (IT-04-74-T, International Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, “The Prosecutor v. Jadranko Prilic, Bruno Stojic, Slobidan Praljak, Milivoij Petkovic,</p>
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							Valentin Coric, Berislav Pusic”, Judgement, Volume 4 of 6, 29 May 2013, https://www.icty.org/x/cases/prlic/tjug/en/130529-4.pdf [last accessed 01.09.2022])
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	2 disapproves	<p>### The UNSC demanded the cessation of all forms of external interference in Bosnia and Herzegovina, especially demanding the withdrawal of the Croatian armies' units from Bosnia and Herzegovina. It disapproved actions taken by Croatia. For further information see: Elaboration for Yugoslavia. ###</p> <p>UNSC Res 752, 15 May 1992 (Adopted unanimously): “3. Also demands that all forms of interference from outside Bosnia and Herzegovina, including by units of the Yugoslav People’s Army as well as elements of the Croatian Army, cease immediately, and that Bosnia and Herzegovina’s neighbours take swift action to end such interference and respect the territorial integrity of Bosnia and Herzegovina;</p>

		<p>4. <i>Demands</i> also that those units of the Yugoslav People’s Army and elements of the Croatian Army now in Bosnia and Herzegovina must either be withdrawn, or be subject to the authority of the Government of Bosnia and Herzegovina, or be disbanded and disarmed with their weapons under effective international monitoring [...].”</p> <p>UNSC Res 757, 30 May 1992: “2. Demands that any elements of the Croatian Army still present in Bosnia and Herzegovina act in accordance with paragraph 4 of resolution 752 (1992) without further delay; [...].”</p>
7. UNGA Reaction	2 disapproves	<p>### During the time of conflict #215 no reaction by the UNGA is given with regard to Croatia. However, after the time this conflict, the UNGA demanded Croatia to withdraw from Bosnia and Herzegovina. Thereby, the UNGA disapproved the actions taken by Croatia. ###</p> <p>UNGA Res 46/242, 25 August 1992 (Voting summary: 136; 1; 5): “3. <i>Demands further</i> that those units of the Yugoslav People’s Army and elements of the Croatian Army now in Bosnia and Herzegovina must either be withdrawn, or be subject to the authority of the Government of Bosnia and Herzegovina [...].”</p>
8. ICJ Reaction	4 no reaction	<p>### In its decision “<i>Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)</i>”, the ICJ did not rule on actions taken by Croatia, but simply made statements with regard to Yugoslavia. Therefore, there is no reaction with regard to Croatia. ###</p>
9. State Reaction	3 unclear	<p>### States did not react to actions taken by Croatia in specific, but disapproved the military actions taken in Bosnia and Herzegovina in general. Therefore, the state reaction remains unclear. For further information see: <i>Elaboration for Bosnia and Herzegovina</i>. ###</p>

51. Azeri-Armenian War 1993-1994

Key data

Duration: 6.2.1993 – 12.5.1994; Parties: Armenia vs. Azerbaijan; Initiator: Armenia.

371 Armenia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
10 denial of involvement	4 no spec.	1 Yes	2 no	2 No	2 No	2 No	“Armenia, on 1 April denied the accusations, saying that Azerbaijani forces had launched a massive military offensive on 23 March against the Mardakert area in Nagorny Karabakh and the humanitarian corridor in Lachin. Karabakh Self- Defence Forces had been compelled to take decisive countermeasures, while no military forces from Armenia had taken part in any of those actions. ” (UNYB 1993, p. 500)

						<p>“In the first week of April Armenian fighters also attacked southwards from Karabakh towards the town of Fizuli. Armenia denied, however, that its regular troops were involved in the fighting.” (Keesing’s Contemporary Archives, 1993, p. 39424)</p> <p>“Yerevan took the wording as recognition of its claim of non-involvement in the dispute” (Croissant, The Armenia-Azerbaijan Conflict, 1999, p. 89, with reference to ITAR-TASS, 6 May 1993, in FBIS-SOV, #93-086: 54)</p> <p>“2. Nagorny-Karabakh, which, like Nakhichevan, had formed an integral part of the Armenian State for thousands of years, was incorporated in the former Soviet Union in 1920 and, by an arbitrary decision of an unconstitutional and unauthorized party organ, the Caucasian Bureau of the Central Committee of the Russian Communist Party (Bolsheviks) dated 5 July 1921, was transferred to the Soviet Republic of Azerbaijan. The decision was taken by an entity which had no right to participate in the national Statebuilding activities of another State and, consequently, constituted an act of gross intervention in the internal affairs of another sovereign Soviet Republic. As a result, the right of peoples to self-determination was flouted and the will of 95 per cent of the population of Nagorny-Karabakh and of the population of Soviet Armenia was not taken into consideration. (...)</p> <p>16. After the breakup of the USSR the Republic of Azerbaijan, pursuing its strategy of genocide of Armenians, launched a war of extermination of the peaceful population of the Republic of NagornyKarabakh and occupied 52 per cent of the Republic's territory. But the Armenians of Karabakh took up arms and withstood the onslaught, as they had done at the beginning of the century, and today NagornyKarabakh exists both de facto and de jure as an independent State entity. (...) 18. In accordance with article 1, paragraph 3, of the Covenant, considering the right of peoples to self-determination to be a legitimate means of realization of fundamental human rights, Armenia regards assistance to the realization of the right to self-determination anywhere in the world, including Nagorny-Karabakh, as one of the most important principles of its foreign policy.” (Statement Armenia to ECOSOC, E/1990/5/Add.36, p. 3, 6)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
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1 yes	4 no spec.	<p>“What is most disturbing about these latest developments is that Azerbaijan has spread its scope of military activity by violating the State border of Armenia in directing several attacks towards frontier villages that are on the Armenian side. (...) On 10 April, in flagrant violation of the borders of Armenia, Azerbaijani forces captured the villages of Srashen and Nerkan Hand in the Kapan region of the Republic of Armenia. Azerbaijani tanks entered the aforementioned villages and caused extensive material destruction and human casualties. Looting and pillaging were also reported. On 11 April, the Azerbaijani forces were driven out of these villages.” (S/25626, Letter dated 17 April 1993 by Armenia)</p> <p>“At the same time, one Azerbaijani division, in violation of the borders of the Republic of Armenia near the village of Dovigh penetrated into Armenian territory. The border troops of the Republic of Armenia have repelled the aggressors. (...) The Azerbaijani Republic is fully responsible for the escalation of the military operations. Such behaviour is in violation of the appeal of the United Nations Security Council resolution which calls for the cessation of military activities and the immediate resumption of CSCE-sponsored negotiations, and is intended to lead to the failure of the processes emanating from Security Council resolution 822 (1993).” (S/25712, Letter dated 2 May 1993 by Armenia)</p>
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	Code	Material
5. Legitimacy Claim	1 enable self-determination	<p>“16. After the breakup of the USSR the Republic of Azerbaijan, pursuing its strategy of genocide of Armenians, launched a war of extermination of the peaceful population of the Republic of Nagorny Karabakh and occupied 52 per cent of the Republic's territory. But the Armenians of Karabakh took up arms and withstood the onslaught, as they had done at the beginning of the century, and today Nagorny Karabakh exists both de facto and de jure as an independent State entity. (...) 18. In accordance with article 1, paragraph 3, of the Covenant, considering the right of peoples to self-determination to be a legitimate means of realization of fundamental human rights, Armenia regards assistance to the realization of the right to self-determination anywhere in the world, including Nagorny-Karabakh, as one of the most important principles of its foreign policy.” (Statement Armenia to ECOSOC, E/1990/5/Add.36, p.6)</p>

	Code	Material
6. UNSC Reaction	3 unclear	<p>“The Security Council expresses its serious concern at the deterioration of relations between the Republic of Armenia and the Republic of Azerbaijan, and at the escalation of hostile acts in the Nagorny Karabakh conflict, especially the invasion of the Kelbadjar district of the Republic of Azerbaijan by local Armenian forces. The Council demands the immediate cessation of all such hostilities, which endanger peace and security of the region, and the withdrawal of these forces.” (Statement by the President of the UNSC on 6 April 1993, UNYB 1993, 500 (S/25671)</p> <p>UNSC/822, 30 April 1993: “1. Demands the immediate cessation of all hostilities and hostile acts with a view to establishing a durable cease-fire, as well as immediate withdrawal of all occupying forces from the Kelbadjar district and other recently occupied areas of Azerbaijan;”</p> <p>UNSC/ Res 853, 29 July 1993:</p>

		<p>“1. Condemns the seizure of the district of Agdam and of all other recently occupied areas of the Azerbaijani Republic (...) 9. Urges the Government of the Republic of Armenia to continue to exert its influence to achieve compliance by the Armenians of the Nagorny-Karabkh region of the Azerbaijani Republic with its resolution 822 (1993) and the present resolution, and the acceptance by this party of the proposals of the Minsk Group of the CSCE”</p> <p>UNSC/Res 884, 12 November 1993: “2. Calls upon the Government of Armenia to use its influence to achieve compliance by the Armenians of the Nagorny Karabakh region of the Azerbaijani Republic with resolutions 822(1993), 853(1993) and 874(1993), and to ensure that the forces involved are not provided with the means to extend their military campaign further (...)”</p>
7. UNGA Reaction	2 disapproves	<p>UNGA/Res 62-243, 14.3.2008: “2. Demands the immediate, complete and unconditional withdrawal of all Armenian forces from all the occupied territories of the Republic of Azerbaijan; Reaffirms that no State shall recognize as lawful the situation resulting from the occupation of the territories of the Republic of Azerbaijan, nor render aid or assistance in maintaining this situation;(...”</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Council of Europe: Recommendation 1690 (2005): “Urges the parties concerned to comply with United Nations Security Council Resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), in particular by refraining from any armed hostilities and by withdrawing military forces from all occupied territories of Azerbaijan.”</p> <p>Turkey: “‘At the United Nations, Turkey’s envoy noted that ‘the Turkish government will take every measure, up to and including military measures, to repulse Armenian aggression’” (Croissant, The Armenia-Azerbaijan Conflict, 1999, p. 87)</p> <p>Non-aligned movement (120 members): “The Heads of State or Government expressed their regret that in spite of the United Nations Security Council resolutions (S/RES/822, S/RES/853, S/RES/874, S/RES/884) the conflict between Armenia and Azerbaijan remains unresolved and continues to endanger international and regional peace and security. They reaffirmed the importance of the principle of non-use of force enshrined in the Charter of the United Nations, and encouraged the parties to continue to seek a negotiated settlement of the conflict within the territorial integrity, sovereignty and the internationally recognized borders of the Republic of Azerbaijan;” (17th Summit of Heads of State and Government of the Non-Aligned Movement, 2016, 500.; NAM 2016/CoB/DOC.1. Corr.1)</p>

373 Azerbaijan

	Code
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Law invoked?	1 Yes
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	1 Yes	2 No	2 No	2 No	<p>"A month later he told the same Supreme Council that the leadership's '...most important task is to restore the territorial integrity of the republic and defend our people from Armenian aggression'. " (President Heydar Aliyev, The Speech at the Session of the Supreme Council of Azerbaijan. March 7, 1991, quoted from Brown, Wanting to Have their Cake and Their Neighbor's Too, 2004, p. 584)</p> <p>"During and after his time in power, Elchibey's stance on Karabakh was fairly clear and simple: The war was a "war of aggression waged against Azerbaijan" in which "[Azerbaijan] was fighting for its territorial integrity;" Armenian troops must retreat; and as an integral part of Azerbaijan, Nagorno-Karabakh should be under Baku's direct rule. While peaceful means might be preferable (especially the use of international bodies like the UN to force an Armenian withdrawal), Elchibey considered using force to win back Karabakh a legitimate alternative. For instance, at the 10th anniversary of the creation of the PFA, Elchibey said that it is possible to liberate the occupied territories "with the help of a gun". (Brown, Wanting to Have their Cake and Their Neighbor's Too, 2004, p. 581)</p> <p>"Our foreign policy is peace-loving and it [does] not aim to violate the sovereignty, [or] territorial integrity of any other state. At the same time, through our foreign policy we should try at any price to safeguard the sovereignty, independence, and territorial integrity of our republic. (...) [There is a need to] return occupied lands, secure territorial integrity and safety of borders of sovereign Azerbaijan." (President Heydar Aliyev, Inauguration speech, October 10, 1993, quoted from Brown, Wanting to Have their Cake and Their Neighbor's Too, 2004, p. 583)</p>

Letter sent in accordance with Art. 51 UNCh	2 no <i>### The Azerbaijani letter does not mention its actions of self-defence against Armenia and only accuses Armenia of violating its territorial integrity. ###</i> S-25582, Letter dated 13 April 1993, Azerbaijani Ambassador Hassanov: "The Government of Azerbaijan is confident that the ascertainment of the facts will enable the Security Council to gain a clear picture of the actual situation and correctly assess the sanctions undertaken by Armenia in its aggression against Azerbaijan, impose appropriate sanctions against Armenia, and demand the speedy withdrawal of Armenian armed forces from the occupied Azerbaijani territories, which will help re-establish peace in the region."
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5. Legitimacy Claim	Code	Material
5.1	5 humanitarian	"These districts have a total area of more than 2.5 thousand km ² , and an overall population of 215,000. Thus, to the two areas of Azerbaijan already occupied by Armenia – Nagorny Karabakh and Lachin-Kelbadjar – another may soon be added, and the civilian population is faced with a real threat of ethnic cleansing, to which the non-Armenian population of the two aforesaid areas has been subjected by Armenian troops." (S/25582, Letter dated 13 April 1993 by Azerbaijan)

	Code	Material
6. UNSC Reaction	3 unclear	UNSC/ Res 853: "9. Urges the Government of the Republic of Armenia to continue to exert its influence to achieve compliance by the Armenians of the Nagorny Karabakh region of the Azerbaijani republic with its resolution 822 (1993) and the present resolution." <i>### The UNSC never endorsed the employment of force by Azerbaijan. Rather it condemned the use of force by Armenia and asserted that Nagorno Karabkh was a part of Azerbaijan. ###</i>
7. UNGA Reaction	3 unclear	UNGA/Res 62-243, 14.3.2008: "2. Demands the immediate, complete and unconditional withdrawal of all Armenian forces from all the occupied territories of the Republic of Azerbaijan; Reaffirms that no State shall recognize as lawful the situation resulting from the occupation of the territories of the Republic of Azerbaijan, nor render aid or assistance in maintaining this situation;"
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Armenia 9</i>

52. Cenepa Valley War 1995

Duration: 09.01.1995 – 27.02.1995; Parties: Peru vs. Ecuador; Initiator: Ecuador.

130 Ecuador

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>“A ‘massive attack’ by Peruvian tanks, troops and helicopters on four Ecuadorean bases in the disputed area began on Jan. 29, according to Durán [Ecuadorean President].” (Keesing’s Record of World Events, January 1995, p. 40356)</p> <p>“The Ecuadoreans said that one of their soldiers was wounded and that their troops ‘caused serious casualties among the aggressors’.” (James Brooke, "Ecuador and Peru again skirmish over an old border dispute", The New York Times, 29.01.1995, p.6, https://timesmachine.nytimes.com/timesmachine/1995/01/29/issue.html (accessed on 18 August 2022))</p>

						<p>“Ecuador’s president, Sixto Duran Ballen, has addressed frequent rallies from a balcony of the Presidential Palace in Quit. ‘Ecuador will not come down form positions that it maintains in the border,’ he said Friday. ‘If we back down, we are convinced that Peru will continue to invade our land’.” (James Brooke, "Ecuador and Peru again skirmish over an old border dispute", The New York Times, 29.01.1995, p.6, https://timesmachine.nytimes.com/timesmachine/1995/01/29/issue.html (accessed on 18 August 2022))</p> <p>“Our armed forces are strong enough to repel Peru’s attacks at our posts and to keep them outside our territory for a very long time,’ Heinz Moeller, president of Ecuador’s congress, said Monday before flying to Washington. Mr Moeller, who is a member of Ecuador’s National Security Council, met today with American diplomats and Congressional representatives.” (James Brooke, "Peruvians in disadvantage at border war", The New York Times, 08.02.1995, p. 10 https://timesmachine.nytimes.com/timesmachine/1995/02/08/issue.html (accessed on 18 August 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	"On Thursday, President Clinton wrote to Mr. Fujimori and Mr. Balen urging both to accept a cease-fire." (James Brooke, "Peru and Ecuador wage Guerrilla war as talks break off", The New York Times, 06.02.1995, p.5, https://timesmachine.nytimes.com/timesmachine/1995/02/06/211195.html?pageNumber=5 (accessed on 18 August 2022))

135 Peru

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>"In a further clash on January 26, according to Peruvian Foreign Ministry, Ecuadorean helicopters attacked and destroyed a Peruvian border post in a 'sly act of aggression'." (Keesing's Record of World Events, January 1995, p. 40356)</p> <p>"Peru's military said the Ecuadoreans started the fighting with a helicopter attack on a Peruvian border post on Thursday night" (James Brooke, "Ecuador and Peru again skirmish over an old border dispute", The New York Times, 29.01.1995, p. 6, https://timesmachine.nytimes.com/timesmachine/1995/01/29/716595.html?pageNumber=6 (accessed on 18 August 2022))</p>

						<p>(James Brooke, "Fighting intensifies along Peru-Ecuador Border", The New York Times, 03.02.1995, p. 8 https://timesmachine.nytimes.com/timesmachine/1995/02/03/672795.html?pageNumber=8 (accessed on 18 August 2022) " 'Operations continue with the goal of definitively dislodging troops', Gen. Nicolas Bari de Hermoza, chief of Peru's Armed Forces Joint Command told reports in Lima today."</p> <p>"But President Fujimori rejected cease-fire calls this week, saying they were 'distraction tactics' by Ecuador to consolidate its 'intrusions' in Peruvian territory." (James Brooke, "Ecuador and Peru trade ait strikes along border", The New York Times, 12.02.1995, p. 16 https://timesmachine.nytimes.com/timesmachine/1995/02/12/529195.html?pageNumber=16, (accessed 18.08.2022))</p> <p>(James Brooke, Peru and Ecuador halt fighting along border, claim victory, NYT, 15 February 1995, p. 6, https://timesmachine.nytimes.com/timesmachine/1995/02/15/296595.html?pageNumber=6 (accessed 18.08.2022) "'All Peru should know that, at this moment, the Ecuadorean troops organized in our territory have been dislodged', [Peruvian President] Fujimori said."</p> <p>"Each side blames the other for starting the conflict. Mr. Fujimori charged that Ecuador fired the first shots on Jan. 26." (James Brooke, "A president-turned-Patton directs Peru's jungle war", The New York Times, 11.02.1995, p. 6, https://timesmachine.nytimes.com/timesmachine/1995/02/11/305695.html?pageNumber=6, (accessed on 18 August 2022))</p> <p>„Fujimori sprach von einem "Endsieg" der peruanischen Truppen, nachdem der Stützpunkt Tiwinza erobert und damit alle ecuadorianischen Truppen von peruanischem Gebiet vertrieben seien.“ ("Peru und Ecuador erklären sich abermals zu einer Waffenruhe bereit", Frankfurter Allgemeine Zeitung, 15.02.1995, S.2)</p> <p>„Ecuador und Peru haben sich gegenseitig den Bruch des seit Freitag geltenden Vertrags zur Beendigung ihres Grenzkrieges vorgeworfen. In einer Verlautbarung des peruanischen Generalstabs hieß es, die Streitkräfte des Nachbarlandes flögen Einsätze mit Kampfhubschraubern und verlegten Soldaten sowie Nachschub. Ecuador hatte Peru zuvor beschuldigt, ecuadorianische Stellungen im Grenzgebiet anzugreifen. Peru verteidige lediglich seine drei Stützpunkte in der Region, die von der ecuadorianischen Armee unter Beschuß genommen worden seien, hieß es.“ ("Peru und Ecuador beschuldigen sich gegenseitig", Frankfurter Allgemeine Zeitung, 22.02.1995, S.7)</p>
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Letter sent in accordance with Art. 51 UNCh	0 – not applicable
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4. Invocation of use of force by a victim state	.1 Source	Material
0 No	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>“On Thursday, President Clinton wrote to Mr. Fujimori and Mr. Balen urging both to accept a cease-fire.” (James Brooke, "Peru and Ecuador wage Guerrilla war as talks break off", The New York Times, 06.02.1995, https://timesmachine.nytimes.com/timesmachine/1995/02/06/211195.html?pageNumber=5 (accessed on 18 August 2022))</p> <p>### International reaction was very limited. Brazil, Argentina, Chile and the USA acted as mediators and called for peaceful solutions. ###</p>

53. Second PKK in Iraq 1997

Key data

Duration: 14.05.1997 – 14.06.1997; Parties: Turkey vs. Kurdistan Workers' Party (PKK); Initiator: Turkey.

640 Turkey

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence <i>Non-State actors</i>	4 no spec.	2 No	1 Yes	2 No	1 Yes	2 No	“Under the present circumstances, Iraq's inability to exercise its authority over the northern parts of its territory continues to provide room for frequent violations of Turkish borders and territory in the form of terrorist infiltrations and activities which result in losses of human lives and damage to property. Exploitation of northern Iraq as a safe haven by terrorist formations reaching considerable numbers to prepare and launch operations against Turkey undermines Turkish security and constitutes a major threat to peace and stability in the region as a whole. The Government of Turkey

						<p>is determined to take all appropriate measures with a view to safeguarding its legitimate security interests, defending its borders and protecting its people against terrorism.” (S/1997/7)</p> <p>“The situation in northern Iraq has provided the PKK, a terrorist organization, with the opportunity to establish a presence in the area, in violation of Iraq's territorial integrity, and to conduct from there raids into Turkish territory. These raids have resulted in loss of life and property. The PKK presence in the area has also constituted a major security threat to the local population by undermining peace and stability. This is acknowledged by regional groups, the KDP in particular, which suffers the most from PKK activities in northern Iraq. Defending the sanctity of its borders as well as the safety of its people is a priority for Turkey like any other State, and the Government of Turkey is determined to take all appropriate measures with a view to safeguarding its legitimate security interests and protecting its people against terrorism.” (S/1997/552)</p> <p>“Turkey stressed in January (S/1997/7) and again in July (S/1997/552) that its foreign policy towards Iraq from the outset of the Gulf War crisis had been consistent and in line with relevant Council resolutions: it stood and continued to stand for Iraq's rights as a sovereign State and neighbour at international forums, and fully respected those resolutions and meticulously fulfilled its responsibilities issuing from them. Iraq's inability to exercise authority over its northern territory, Turkey explained, had made the area a safe haven for the terrorist PKK (Kurdish Workers' Party) organization, which frequently launched attacks from there against Turkey. Turkey regarded the defence of its borders and people as a priority.” (UNYB 1997, p. 251)</p>
Letter sent in accordance with Art. 51 UNCh	1 yes S/1997/552 Letter of 18 July 1997					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Legitimacy Claim	Code	Material
5.1	3 maintenance of regional stability	<p>„Exploitation of northern Iraq as a safe haven by terrorist formations reaching considerable numbers to prepare and launch operations against Turkey undermines Turkish security and constitutes a major threat to peace and stability in the region as a whole.” (S/1997/7)</p> <p>“In view of the circumstances prevailing in northern Iraq, Turkey has also tried to contribute, to the maximum extent possible, to peace, stability and security in that area. This has been essential not only for Turkey's own security interests but also for the well-being of the inhabitants of northern Iraq. The elimination of terrorists from northern Iraq will also constitute a major contribution to peace and stability in the region and remove the need for further operations.” (S/1997/552)</p>

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>European Union: “Notwithstanding its understanding of the Turkish wish to end terrorist actions, the Presidency of the European Union stresses that a solution to the Kurdish problem can only be achieved politically, not militarily.” (A/52/157)</p> <p>Group of Arab States at the UN: “The Group of Arab States wishes to reiterate the following: 1. It vigorously condemns the Turkish army's invasion of Iraqi territory, for invading the territory of a third country is a flagrant violation of the principle of good-neighbourliness, the rules of international law and the Charter of the United Nations. (...) 4. The Group opposes any security or other arrangements, irrespective of the grounds on which they are based, which could violate the sovereignty, territorial integrity or security of Iraq. opposed any security or other arrangements, irrespective of the grounds on which they were based, which could violate Iraq's sovereignty, territorial integrity or security” (S/1997/416)</p>

645 Iraq

Code

Law invoked?	1 Yes
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
1 yes	3 Both	<p>### Letters by Iraq to the President of the Security Council, outlining Turkey's May offensive into Northern Iraq ###</p> <p>"On 13 May 1997, Turkish armed forces carried out extensive acts of military aggression in the northern areas of Iraq, in which all types of weapons were used. This was on the pretext of repelling elements hostile to the Turkish authorities that are present in those areas owing to the situation currently in force there, which is well-known to the members of the Security Council and the international community. [<i>meaning the fact that Iraq is unable to exercise its Sovereignty in that area</i>] Whatever excuse the Turkish Government put forward to justify this aggression, the latter was a flagrant, extensive and grave violation of the sovereignty, territorial integrity and national security of Iraq. It is also, without doubt, a flagrant and dangerous violation of the principles of international law and the Charter of the United Nations. If, furthermore, we take into consideration that Security Council resolutions concerning Iraq, in particular Security Council resolution 687 (1991), affirm the commitment of all Member States to the sovereignty and territorial integrity of Iraq, the Turkish incursion into northern Iraq should be considered as a violation of Security Council resolution 687 (1991) and other Security Council resolutions concerning Iraq." (S/1997/393 - 26 May 1997)</p>

		<p>"[...] giving details of the aerial violations that have accompanied the fresh incursions into Iraq's territory by the Turkish armed forces and urging the United Nations to meet its responsibilities as laid down in the Charter and to halt the intimidation and aggression to which Iraq is constantly being subjected." (S/1997/399 – 27 May 1997)</p> <p>"In conveying to you the details of this new incursion and of these violations by the Turkish armed forces, the Government of Iraq expresses its condemnation of such acts of military aggression. It does so because the practices of the Turkish forces, as represented by their repeated shelling of towns and villages in Iraq and their unlawful incursions into Iraqi territory, are in flagrant violation of Iraq's sovereignty and the inviolability of its territory and airspace, just as they are incompatible with relations of good-neighbourliness, the Charter of the United Nations, the norms of international law and the 1926 Iraq-Turkey boundary agreement. These practices may also undermine stability in the region as a whole, which is suffering primarily from the anomalous situation created by the United States of America and its allies in northern Iraq. As stated in my previous letter, the Turkish Government bears full international responsibility for the acts of aggression it commits inside Iraqi territory and for all their consequences, regardless of the alleged reasons it gives. The Government of Iraq reserves its legitimate right under international law to determine an appropriate response to such brutal military aggression and to seek compensation for the damage caused by these Turkish breaches and violations of Iraq's territory and airspace and for the human suffering inflicted on Iraqi citizens by these acts of aggression." (S/1997/399 – 27 May 1997)</p>
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	

PKK

	Code
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Law invoked?	2 No
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	

54. Badme Border 1998

Key data

Duration: 06.05.1998 – 12.10.2000; Parties: Eritrea vs. Ethiopia; Initiator: Eritrea.

531 Eritrea

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	1 Yes	2 No	2 No	2 No	<p>“the Ethiopian army, which occasionally made incursions into these Eritrean territories, dismantling the local administrative structures and committing crimes against the inhabitants (...) the recurrent border incursions that continue to be perpetrated by Ethiopian forces”;</p> <p>“Ethiopian army contingents that had already penetrated into Eritrean territory in the areas around Badme ... opened fire ... this unprovoked attack subsequently triggered a cycle of clashes in the area” (S/1998/399, p. 2)</p>

						<p>“these facts demonstrate Ethiopia’s violation of the internationally recognized boundaries of Eritrea in contravention of the fundamental principles of international law and the Charters of the United Nations and of the Organization of African Unity”;</p> <p>“Eritrea rejects the blatant violation of its territorial integrity” (S/1998/417, p. 2)</p> <p>“The Ethiopian army has today, 3 June 1998, unleashed an attack on Eritrean positions”;</p> <p>“The Government of Eritrea condemns Ethiopia’s repetitive acts of aggression. And while affirming its legitimate right of self-defence, it again reiterates its firm conviction that the current crisis can only be resolved by peaceful and legal means” (S/1998/459, p. 2)</p> <p>“[Eritrea] will, if necessary, resolutely defend its hard-won right to live in peace and freedom” (S/1998/478, p. 3)</p> <p>“In violation of international laws and conventions, the Ethiopian Government has publicly threatened to wage indiscriminate air strikes on all planes entering Eritrean airspace” (S/1998/492, p. 1)</p> <p><u>1.3 Contestation about Facts</u></p> <p><u>1.4. Contestation about Interpretation</u></p> <p><i>### contestation in regard to location of the incidents:</i></p> <p>“On the last day of the hearing, Eritrea (before the EECC) argued that its actions in taking Badme and adjacent areas on May 12, 1998 were lawful measures of self-defense (...) While Eritrea asserted that these incidents occurred within Eritrean territory, Ethiopia asserted that they occurred within Ethiopian territory” (45 ILM 432, Eritrea-Ethiopia Claims Commission: Partial Award)</p>
Letter sent in accordance with Art. 51 UNCh	1 yes S/1998/459 Letter of 3 June 1998					
4. Invocation of use of force by a victim state	.1 Source	Material				

0	0	
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	Code	Material
5. Legitimacy Claim	8 liberation of occupied territory	“this is not the first border dispute between two African countries, (...) the colonial boundary between Eritrea and Ethiopia established by a series of international treaties at the beginning of this century and has remained unchanged (...) Unfortunately, the Government of Ethiopia has, over the past few years, been encroaching upon Eritrean territory, forcibly bringing under its control Eritrean areas that Ethiopia has now claimed are Ethiopian. To this day, the Ethiopian army remains inside the boundaries of Eritrea ” (S/1998/482, p. 2)

	Code	Material
6. UNSC Reaction	3 uncelar	<p>UNSC Res/1177/1998: “Condemns the use of force and demands that both parties immediately cease hostilities and refrain from further use of force”</p> <p>1998 (S/1998/494) <i>### Kenya on behalf of the OAU reported to UN SC about the deep concern over the escalation of the conflict, endorsement of resolutions calling to put an end to all hostilities and the decision to send delegations to the States for communicational purposes</i> ###: “Expresses its strong support for the decision of the Assembly of the Heads of State and Government of the OAU on 10 June”</p> <p><i>### the Council requested the UN Secretary General to provide technical support to the parties to assist in the eventual delimitation and demarcation of the common border between Ethiopia and Eritrea and, for this purpose, establishes a Trust Fund an urges all Member States to contribute to it ###</i></p> <p>UNSC Res/1226/1999: “Noting that armed conflict between Ethiopia and Eritrea would have a devastating effect... Stresses that it is of primary importance that the OAU Framework Agreement be accepted, and calls for cooperation with the OAU and full implementation of the Framework Agreement without delay”</p> <p><i>### The Council called for cooperation with the OAU ###</i></p> <p>UNSC Res/1227/1999: “Condemns the recourse to the use of force by Ethiopia and Eritrea, Demands an immediate halt to the hostilities, in particular the use of air strikes; Demands that Ethiopia and Eritrea resume diplomatic efforts to find a peaceful resolution to the conflict”</p>

		<p>### the Council demanded the resumption of diplomatic efforts to find a peaceful resolution of the conflict ### UNSC Res/1297/2000, 1298/2000, 1312/2000, 1320/2000</p> <p>### the Council demanded the earliest possible reconvening without preconditions, of substantive peace talks (1297, 1298) and decided to establish the United Nations Mission in Ethiopia and Eritrea (UNMEE, 1312; termination of this mandate by S/RES/1827 in 2008), authorizing the deployment of up to 4.200 troops, including up to 220 military observers (1320) ###</p>
7. UNGA Reaction	4 no reaction	<p>### in 2001 and 2003, the UN SG issued progress reports on Ethiopia and Eritrea, cf. S/2003/858 and S/2001/608, in order to comply with S/Res/1320/2000 ###</p>
8. ICJ Reaction	3 no reaction	<p>### However: Claims Commission established under Art. 5 of the Algiers Agreement, dating 12 December 2000, signed by the Parties following OAU-efforts to settle the dispute „to decide through binding arbitration all claims for losses, damage or injury by one Government against the other“. Decision of the Claims Commission: ###</p> <p>Eritrea violated Art. 2 IV UNCh by resorting to armed forces on May 12, 1998 and the immediately following days. As found by the Claims Commission [Decision No. 7 of the Eritrea-Ethiopia Claims Commission, 46 ILM 1121], the three-based self-defence arguments all failed:</p> <p>First self-defence argument: Ethiopia unlawfully occupied Eritrean territory (area around Badme, where the initial invasion occurred), hence Eritrea was justified in defending its territory (Partial Award, Jus Ad Bellum, p. 9; Oxf. Hbd, p. 561) (-) para. 10 ff.: “the practice of States and the writings of eminent publicists show that self-defence cannot be invoked to settle territorial disputes ... border disputes between States are so frequent that any exception to the prohibition of the threat or use of force for territory that is allegedly occupied unlawfully would create a large and dangerous hole in a fundamental rule of international law”</p> <p>Second self-defence argument: Eritrea’s conduct was a response to Ethiopia’s “incursions from Eritrea” in early May 1998 (Partial Award, Jus Ad Bellum, p. 9; Oxf. Hbd, p. 561) (-) para. 11 ff.: “Localized border encounters between small infantry units, even those involving the loss of life, do not constitute an armed attack for the purpose of the Charter ... Eritrea did not report its use of armed force against Ethiopia on May 12, 1998 to the Security Council as measures taken in self-defence, as it would be obligated to do by Article 51 [UNCh] in case of self-defense against armed attack ... The Commission is satisfied that these relatively minor incidents were not of a magnitude to constitute an armed attack by either State against the other within the meaning of Article 51 [UNCh] ... Given the absence of an armed attack against Eritrea, the attack that began on May 12 cannot be justified as lawful self-defence under the UNCh.”</p> <p>“The areas initially invaded by Eritrean forces on that day were all either within undisputed Ethiopian territory or within territory that was peacefully administered by Ethiopia and that later would be on the Ethiopian Side of the line” (para. 15 EECC, Partial Award, Jus Ad Bellum, Ethiopia’s Claims 1-8)</p>

		<p>Third self-defence argument: Eritrea's use of force was a permissible response to a "declaration of war" issued by Ethiopia on 13 May 1998 . ### since in Eritrea's argumentation, Ethiopia had commenced the war and therefore having established a state of war between the two belligerents, Eritrea was permitted to use military force against Ethiopia ### (cf. Oxf. Hbd, p. 561) (-) para. 17 ff.: "On May 13, 1998, the Ethiopian Council of Ministers and Parliament passed a resolution that condemned the May 12 invasion and demanded the unconditional and immediate withdrawal of Eritrean forces from Ethiopian territory. This resolution was not, as Eritrea has asserted, a declaration of war. In international law, the essence of a declaration of war is an explicit affirmation of the existence of a state of war between belligerents. Nevertheless, the resolution made clear that Ethiopia would not accept Eritrea's advances as a <i>fait accompli</i> and was determined to act in self-defense until the Eritrean forces withdrew or were compelled to leave the areas they had occupied. Ethiopia so notified the UNSC, pursuant to Art. 51 UNCh. Moreover, the Commission notes that the Parties subsequently maintained diplomatic relations and some economic relations, both of which would appear inconsistent with a formal declaration of war" - "Based on the evidence before it, the Commission cannot resolve whether the Eritrean military operations from mid-May to mid-June 1998 in what became the Central and Eastern Fronts were pre-planned attacks, as Ethiopia contends, or were determined by developing military demands as both Parties sought to control key corridors of attack and defense after it became clear that Ethiopia would not acquiesce in Eritrea's captures of territory on the Western Front ...</p> <p>Para. 16: Consequently, the Commission holds that Eritrea violated Art. 2 IV UNCh by resorting to armed force to attack and occupy Badme, then under peaceful administration by Ethiopia, as well as other territory in an attack that began on May 12, 1998, and is liable to compensate Ethiopia, for the damages caused by that violation of international law</p> <p>Award: Findings on Liability for Violation of International Law (p. 11): the Respondent (Eritrea) violated Article 2 IV UNCh by resorting to armed force on May 12, 1998 and the immediately following days to attack and occupy the town of Badme ... as well as other territory in the Claimant's (Ethiopia's) Tahtay Adiabo and Laelay Adiabo Weredas</p>
9. State Reaction	3 unclear	<p>Burkina Faso speaking on behalf of the OAU: "in the course of its discussion with both parties, the Ethiopian side reiterated its acceptance of the proposals of the facilitators. The Eritrean side stated clearly that the facilitation was over"; urged both parties to continue to exercise maximum restraint and avoid taking any action that could escalate the tension and further harm the future relations between the two countries" (S/1998/555, p. 3)</p> <p>UK and Northern Ireland for the EU: "The European Unions is extremely concerned at the serious escalation of the conflict between Ethiopia and Eritrea, and in particular deplores the bombings of Asmara airport and Mekelle by each other's forces on 5 and 6 June (...) We urge both parties to agree to a ceasefire and to resume cooperation with the facilitators ... we remind both parties of the potential consequences this dispute has for future regional stability" (S/1998/495, p. 2 (Annex))</p> <p>Kenya on behalf of the OAU:</p>

		<p>“urgently appeals to the two parties to, at the same time and simultaneously, put an end to all hostilities, accept and implement the recommendations of the facilitators” (S/1998/480, p. 2)</p> <p>Rwanda and United States of America: Rwanda and the US (mediating) asked the parties to the conflict to comply with a presented “General implementation plan” (S/1998/496, p. 2 ff.)</p>
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530 Ethiopia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	1 Yes	2 No	2 No	2 No	<p>“reaction to the unprovoked aggression by the Eritrean regime was based on the cardinal principles of international law and relevant conventions. The Ethiopian Government, even weeks after the aggression was committed by the invading forces, has not responded in kind and has exercised maximum restraint, even though it was fully justified to do so under international law”;</p> <p>“Ethiopia continued to defend its territory from further encroachment by Eritrean forces”;</p> <p>“regardless of the inhuman and criminal acts of the Eritrean regime targeting civilians and civilian installations and the maltreatment of Ethiopian nationals in Eritrea, the Ethiopian Government assures the international community that, in exercising its right of self-defence, it remains committed to live up to international standards and norms as well as in the treatment of Eritrean civilians peacefully residing in Ethiopia” (S/1998/552, p. 4)</p>

							<p>“[Eritrean forces], on 12 May 1998, entered Ethiopian territory which they have been claiming. They have clashed with police and local militia forces present to maintain the security of the area and are in control of some positions”</p> <p>“[Ethiopia] vehemently condemns this move of the Eritrean Government and the Popular Front since it violates the sovereignty of Ethiopia and obstructs the ongoing efforts to resolve issues of claims in a peaceful manner (...) in the event that the Eritrean Government and the Popular Front to not desist from this dangerous action and withdraw from Ethiopian territory without any precondition, the Ethiopian Government will take all the necessary measures that the situation demands to safeguard the sovereignty and territorial integrity of our country” (S/1998/396, p. 3)</p>
Letter sent in accordance with Art. 51 UNCh	1 yes S/1998/552 Letter of 22 June 1998						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<i>see Eritrea 6 (endorsement of EECC)</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	<i>see Eritrea 8</i>

		<i>### EECC judging that Eritrea violated Art. 2 IV UNCh by resorting to armed forces on May 12, 1998 and the immediately following days ###</i>
9. State Reaction	3 unclear	<i>see Eritrea 9</i>

55. War for Kosovo 1999

Key data

Duration: 24.03.1999 – 10.06.1999; Parties: Turkey, Italy, United Kingdom, Netherlands, France, Germany, Belgium (as members of NATO) vs. Federal Republic of Yugoslavia; Initiator: NATO.

200 United Kingdom

Code	
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
5 humanitarian	4 no spec.	1 Yes	1 Yes	2 No	1 Yes	2 No	“The action being taken is legal. It is justified as an exceptional measure to prevent an overwhelming humanitarian catastrophe” (UN S/PV.3988, p. 12)

						<p>“Every means short of force has been tried to avert this situation. In these circumstances and as an exceptional measure on grounds of overwhelming humanitarian necessity, military intervention is legally justifiable” (following Prime Minister T. Blair, HC Deb 2 March 1999, Col 161)</p> <p>UK statements in House of Commons, HC Deb 25 March 1999:</p> <p>“We were left with no other way of preventing the present humanitarian crisis from becoming a catastrophe than by taking military action to limit the capacity of Milosevic’s army to repress the Kosovo Albanians. We will continue with this action ...” (Secretary of State for Foreign and Commonwealth Affairs, Mr. Robin Cook, Col. 538)</p> <p>“the Minister of State went so far as to suggest that there is in international law an obligation to intervene to prevent humanitarian disasters” (Mr. Michael Howard, Folkestone and Hythe, Col. 543)</p> <p>“A moral obligation” (Minister of State, Foreign and Commonwealth Office, Mr. Tony Lloyd, Col. 543)</p> <p>“We are in no doubt that NATO is acting within international law. Our legal justification rests upon the accepted principle that force may be used in extreme circumstances to avert a humanitarian catastrophe. Those circumstances clearly exist in Kosovo.” (Secretary of State for Defense, Mr. George Robertson, Col. 616 f.) (UK Materials on International Law, 62 BYIL (1992) 824)</p> <p>“We believe that international intervention without the invitation of the country concerned can be justified in cases of extreme humanitarian need. This is why we were prepared to commit British forces to Operation Haven, mounted by the coalition in response to the refugee crisis involving the Iraqi Kurds. The developments of these forces was entirely consistent with the objectives of SCR 688 (1991)</p> <p><i>### Cf. for Requirements put forward by the British government 63 BYIL (1992), 826 et seq; 70 BYIL (1999) 595; 71 BYIL (2000) 643-6; 72 BYIL (2001) 695-6 ###</i></p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0 No	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<p>UN Security Council Resolution 1239, 14 May 1999</p> <p>“Expressing grave concern at the humanitarian catastrophe – deep concern on the enormous influx of Kosovo refugees to neighbouring states</p> <p>Stressing the importance of effective coordination of humanitarian relief activities</p> <p>Noting with interest the intention of the Secretary General to send a humanitarian needs assessment mission”</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	3 unclear	<p><i>### No judgment on the merits of the cases forwarded by FRY, but some remarks with regard to the action in Kosovo, ICJ, Order of 2 June 1999 in Case Concerning the Legality of Use of Force: ###</i></p> <p>“profoundly concerned with the use of force in Yugoslavia”, which “under the present circumstances such use raises very serious issues of international law” (p. 922, para. 16)</p> <p>“all parties [appearing] before it must act in conformity with their obligations under the Charter of the United Nations and other rules of international law, including humanitarian law” (p. 923, para. 18)</p>

		States “remain in any event responsible for acts attributable to them that violate international law, including humanitarian law”, the UN SC has “special responsibilities under Chapter VII UnCh” (p. 925, para. 31)
9. State Reaction	3 unclear	<p>Approving</p> <p>(1) NATO States put forward the position that they – based on legal arguments of varying nature and degree of sophistication – approved of the use of force by NATO</p> <p>Disapproving</p> <p>Russia: “NATO’s decision to use military force is particularly unacceptable from any point of view because the potential of political and diplomatic methods to yield a settlement in Kosovo has certainly not been exhausted ... The Russian Federation vehemently demands the immediate cessation of this illegal military action against the (FRY) ... NATO’s military action against sovereign Yugoslavia, which is nothing less than an act of open aggression” (S/PV.3988, p. 3)</p> <p>“Those who are involved in this unilateral use of force against the sovereign [FRY] carried out in violation of the Charter of the United Nations and without the authorization of the Security Council – must realize the heavy responsibility they bear for subverting the Charter and other norms of international law and for attempting to establish in the world, de facto, the primacy of force and unilateral diktat. ... Attempts to justify the NATO strikes with arguments about preventing a humanitarian catastrophe in Kosovo are completely untenable.”</p> <p>“We certainly do not seek to defend violations of international humanitarian law by any part. But it is possible to combat violations of the law only with clean hands and only on the solid basis of the law”</p> <p>Tajikistan: “the escalation of the situation in the Balkans will result in tremendous political and moral damage to the cause of peace and the principles of democracy, and that it will destabilize the situation not only in Europe but throughout the world” (S/1999/331 (25 March 1999))</p> <p>“the events in Kosovo will give rise to yet another hotbed of tension, jeopardizing the international community’s efforts to implement international norms based on the principles of peaceful coexistence, non-use of force and non-interference in the internal affairs of sovereign States”</p> <p>Belarus:</p>

	<p>“it was with great alarm that Belarus reacted to the decision of the NATO to use military force against Yugoslavia, a sovereign State” (S/1999/332 (25 March 1999))</p> <p>“the use of military force against Yugoslavia and the introduction of any foreign armed formations into the territory of Yugoslavia against the wishes of its Government is an open act of aggression that places on the aggressor the full weight of the consequences of such aggression”</p> <p>Ukraine: “considers as inadmissible the use of military force against a sovereign State without authorization of the United Nations Security Council – the only body entrusted to take such decisions in order to maintain international peace and security” (UN S/1999/335 (25 March 1999))</p> <p>Brazil: “regrets that the escalation of tensions has resulted in recourse to military action” (UN S/PV.3988, p. 8)</p> <p>Slovenia: “It is true that sometimes force is used without an explicit basis in Security Council resolutions. This is not a new phenomenon ... In 1971, in Asia, a State Member of the United Nations used force in a situation of extreme necessity. That was a case of the use of force without the authorization of the Security Council and without reference to legitimate self-defence. Nevertheless, the situation of necessity was very widely understood in the international community ... in resolutions 1199 (1998) and 1203 (1998), which are applicable ... the situation is defined ... as a threat to international peace and security in the region ... Of course, resolutions 1999 (1998) and 1203 (1998) could be clearer, and one might have hoped that such resolutions would develop more completely the responsibility of the Security Council for the maintenance of international peace and security ... The responsibility of the Security for international peace and security is a primary responsibility; it is not an exclusive responsibility” (UN S/PV.3988, p. 19)</p> <p>Gambia: “The situation ... is a cause of great concern... we are very much attached to the sacrosanct principle of the peaceful settlement of disputes, as enshrined in the Charter of the United Nations ... It is the responsibility of any Government to protect its citizens. We speak with great regret of the fact that the international community had to take the action it took today. Of course, regional arrangements have responsibility for the maintenance of peace and security in their areas. The Security Council, however, has the primary responsibility for the maintenance of international peace and security, as clearly stated in the Charter of the United Nations. It must be noted, that at times the exigencies of a situation demand, and warrant, decisive and immediate action. We find that the present situation in Kosovo deserves such a treatment. The action started today by the international community could have been avoided, for the action could still be prevented. We therefore call on those with whom the responsibility lies to take the necessary action to prevent a continuation of this action before it is too late” (UN S/PV.3988, p. 7)</p>
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	<p>India: “The attacks against the Federal Republic of Yugoslavia that started a few hours ago are in clear violation of Article 53 of the Charter. No country, group of countries or regional arrangement, no matter how powerful, can arrogate to itself the right to take arbitrary and unilateral military action against others. That would be a return to anarchy, where might is right. Among the barrage of justifications that we have heard, we have been told that the attacks are meant to prevent violations of human rights. Even if that were to be so, it does not justify unprovoked military aggression.” (UN S/PV.3988, p. 15)</p> <p>China: “This act amounts to a blatant violation of the UNCh and of the accepted norms of international law. The Chinese Government strongly opposes this act. The question of Kosovo, as an internal matter of the [FRY], should be resolved among the parties concerned... Settlement of the Kosovo issue should be based on respect for the sovereignty and territorial integrity of the [FRY] and on guaranteeing the legitimate rights and interests of all ethnic groups in the Kosovo region.” (UN S/PV.3988, p. X)</p> <p>“The Chinese Government vigorously calls for an immediate cessation of the military attacks by NATO against the FRY)”</p> <p>G7 States: ### The G77 States, even though under no relation to Kosovo / NATO, said: “the so-called right of humanitarian intervention [has] no basis in the UNCh or in international law” Ministerial Declaration of the Twenty-Third Annual Meeting of Ministers of Foreign Affairs of the Group of 77 (24 September 1999) para. 69 ###</p>
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211 Belgium

	Code
Law invoked?	1 Yes

ce ur 2	Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
5 humanitarian	4 no spec.	1 Yes	1 Yes	2 No	1 Yes	2 No	<p>“As regards the intervention, the Kingdom of Belgium takes the view that the Security Council's resolutions which I have just cited provide an unchallengeable basis for the armed intervention. They are clear, and they are based on Chapter VII of the Charter, under which the Security Council may determine the existence of any threat to international peace and security. But we need to go further and develop the idea of armed humanitarian intervention. NATO, and the Kingdom of Belgium in particular, felt obliged to intervene to forestall an ongoing humanitarian catastrophe, acknowledged in Security Council resolutions. To safeguard what? To safeguard, Mr. President, essential values which also rank as <i>jus cogens</i>.” (Belgium: ICJ, CR 1999/15)</p> <p>“Thus this is not an intervention against the territorial integrity or independence of the former Republic of Yugoslavia. The purpose of NATO's intervention is to rescue a people in peril, in deep distress. For this reason the Kingdom of Belgium takes the view that this is an armed humanitarian intervention, compatible with Article 2, paragraph 4, of the Charter, which covers only intervention against the territorial integrity or political independence of a State”. (Belgium: ICJ, CR 1999/15)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

1.1 Justificatory claim	.2 Source of law	Contestation about					.7 validity	Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level			
5 humanitarian	4 no spec.	1 Yes	1 Yes	1 Yes	2 No	2 No	<p>“And, Mr. President, Members of the Court, if we have failed to convince you that what has been taking place is armed humanitarian intervention justified by international law, the Government of the Kingdom of Belgium will also plead, in the alternative, that there is a state of necessity.” (Belgium: ICJ, CR 1999/15)</p>	

Letter sent in accordance with Art. 51 UNCh	0 – not applicable
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<i>see United Kingdom 6</i>
7. UNGA Reaction	4 no reaction	<i>see United Kingdom 7</i>
8. ICJ Reaction	3 unclear	<i>see United Kingdom 8</i>
9. State Reaction	3 unclear	<i>see United Kingdom 9</i>

210 Netherlands

	Code
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Law invoked?	1 Yes						
1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
5 humanitarian	4 no spec.	1 Yes	1 Yes	2 No	1 Yes	2 No	<p>“It is President Milosevic’s recourse to violence in Kosovo that has finally convinced us that the impeding humanitarian catastrophe, at which the Council expressed its alarm in its resolutions of September and October, could not be averted by peaceful means ... It goes without saying that a country – or an alliance – which is compelled to take up arms to avert such a humanitarian catastrophe would always prefer to be able to base its action on a specific Security Council resolution. The Secretary-General is right when he observes in his press statement that the Council should be involved in any decision to resort to the use of force. If, however, due to one or two permanent members’ rigid interpretation of the concept of domestic jurisdiction, such a resolution is not attainable, we cannot sit back and simply let the humanitarian catastrophe occur” (UN Doc S/PV.3988, p. 8)</p> <p>“As stated by the Secretary-General, diplomacy has failed, but there are times when the use of force may be legitimate in the pursuit of peace” (UN Doc S/PV.3988, p. 8)</p> <p>“The legal basis we have available [is] more than adequate” (UN Doc S/PV.3988, p. 8)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<i>see United Kingdom 6</i>
7. UNGA Reaction	4 no reaction	<i>see United Kingdom 7</i>
8. ICJ Reaction	3 unclear	<i>see United Kingdom 8</i>
9. State Reaction	3 unclear	<i>see United Kingdom 9</i>

2 United States of America

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
5 humanitarian	4 no spec.	1 Yes	1 Yes	1 Yes	2 No	2 No	<p>“the actions of the Members of the NATO Alliance [found] their justification in a number of factors” (ICJ, oral pleadings, Legality Use of Force, Public sitting, 11 May 1999, CR 1999/24, 10)</p> <p>### enumerating among others: ###</p> <p>“the humanitarian catastrophe that has engulfed the people of Kosovo ... the acute threat of the actions of the FRY ... the serious violation of international humanitarian law and human rights obligations ... the resolutions of the Security Council, which have determined that the actions of the FRY constitute a threat to peace and security in the region and, pursuant to Chapter VII of the Charter, demanded a halt to such actions” (ICJ, oral pleadings, Legality Use of Force, Public sitting, 11 May 1999, CR 1999/24, 10)</p> <p>“Under these circumstances, a failure by NATO to act immediately would have been to the irreparable prejudice of the people of Kosovo” (ICJ, oral pleadings, Legality Use of Force, Public sitting, 11 May 1999, CR 1999/24, 10)</p> <p>### US remained unclear in justifying their participating in the NATO Campaign: ###</p> <p>“We and our allies have begun military action only with the greatest reluctance. But we believe that such action is necessary to respond to Belgrade’s brutal persecution of Kosovar Albanians, violations of international law, excessive and indiscriminate use of force, refusal to negotiate to resolve the issue peacefully and recent military build-up in Kosovo – all of which foreshadow a humanitarian catastrophe of immense proportions” (S/PV.3988, pp. 4-5)</p> <p>“We have begun today’s action to avert this humanitarian catastrophe and to deter further aggression and repression in Kosovo” (S/PV.3988, pp. 4-5)</p> <p>“we believe that action by NATO is justified and necessary to stop the violence and prevent an even greater humanitarian disaster” (S/PV.3988, pp. 4-5)</p>

						<p>“We act to protect thousands of innocent people in Kosovo from a mounting military offensive. We act to prevent a wider war; to diffuse a powder keg ... and to stand united with our allies for peace.” (Remarks by President Clinton, March 24, 1999 (1999), 10 (3-4) Foreign Policy Bulletin 63)</p> <p>“It is also important to America’s national interest. Take a look at this map. Kosovo is a small place, but it sits on a major fault line between Europe, Asia and the Middle East, at the meeting place of Islam and bot the Western and Orthodox branches of Christianity” – “Do our interests in Kosovo justify the dangers to our Armed Forces – I am convinced that the dangers of not acting – dangers to defenceless people and to our national interest. If we and our allies were to allow this war to continue with no response, President Milosevic would read our hesitation as a licence to kill.” (Remarks by President Clinton, March 24, 1999 (1999), 10 (3-4) Foreign Policy Bulletin 63)</p> <p>“this was genocide in the heart of Europe, not in 1945, but in 1995” (Remarks by President Clinton, March 24, 1999 (1999), 10 (3-4) Foreign Policy Bulletin 63)</p> <p>“America has a responsibility to stand with our allies when they are trying to save innocent lives and preserve peace, freedom and stability in Europe. That is what we are doing in Kosovo” (Remarks by President Clinton, March 24, 1999 (1999), 10 (3-4) Foreign Policy Bulletin 63)</p> <p>“Our strikes have three objectives: First, to demonstrate the seriousness of NATO’s opposition to aggression and its support for peace. Second, to deter President Milosevic from continuing and escalating his attacks on helpless civilians by imposing a price for those attacks. And, third, if necessary, to damage Serbia’s capacity to wage war against Kosovo in the future by seriously diminishing its military capabilities” (Remarks by President Clinton, March 24, 1999 (1999), 10 (3-4) Foreign Policy Bulletin 63)</p> <p>“The FRY had violated its obligations under international humanitarian agreements, but those agreements did not expressly authorize intervention by other states to enforce them. Finally, many NATO states – including the US – had not accepted the doctrine of humanitarian intervention as an independent legal basis for military action that was not justified by self-defense or the authorization of the Security Council” (Proceedings of the American Society of International Law 94 (2000) 300, US [Michael J Matheson, legal adviser to the government])</p> <p>“NATO decided that its justification for military action would be based on the unique combination of a number of factors that presented itself in Kosovo, without enunciating a new doctrine or theory.</p>
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							These particular factors included: the failure of the FRY to comply with Security Council demands under Chapter VII; the danger of a humanitarian disaster in Kosovo; the inability of the Council to make a clear decision adequate to deal with that disaster; and the serious threat to peace and security in the region posed by Serb actions” (Proceedings of the American Society of International Law 94 (2000) 300, US [Michael J Matheson, legal adviser to the government])
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<i>see United Kingdom 6</i>
7. UNGA Reaction	4 no reaction	<i>see United Kingdom 7</i>
8. ICJ Reaction	3 unclear	<i>see United Kingdom 8</i>
9. State Reaction	3 unclear	<i>see United Kingdom 9</i>

255 Germany

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2. Source of law	Contestation about					Material
		3. facts	4. interpretation	5. exceptional circumstances	6. abstr. gen. level	7. validity	
5 humanitarian	4 no spec.	1 Yes	1 Yes	1 Yes	2 No	2 No	<p>### Note: the German legal position was articulated during the transitional period between the Kohl and Schröder administrations. ###</p> <p>BT Plenarprotokolle 13/248, 16 October 1998, 23129, Statement by K. Kinkel, German Parliament (Foreign Minister in the outgoing Kohl government)</p> <p>„Unter diesen außergewöhnlichen Umständen der gegenwärtigen Krisenlage im Kosovo, wie sie in der Resolution des VN-Sicherheitsrates 11 99 beschrieben ist, ist die Drohung mit und ggf. der Einsatz von Gewalt durch die NATO gerechtfertigt. Die Bundesregierung teilt diese Rechtsauffassung mit allen anderen 15 NATO-Partnern. Mit ihrem Beschluß hat die NATO kein neues Rechtsinstrument geschaffen und auch nicht schaffen wollen, das eine Generalvollmacht der NATO für Interventionen begründen könnte. Der Beschluß der NATO darf nicht zum Präzedenzfall werden. Wir dürfen nicht auf eine schiefe Bahn kommen, was das Gewaltmonopol des Sicherheitsrates anbelangt.“</p> <p>“... the threat to use force and, if necessary, the threat and even the use of force by NATO is justified. The German government shares this legal opinion with all the other 15 NATO partners. With its decision NATO has not created a new legal basis which could constitute a general authorization for subsequent NATO intervention, nor did it intend to do so ... We must not take the slippery slope concerning the [UN SC's] monopoly ... The possibilities for negotiating have been exhausted, the use of force is an ultima ratio”</p>

							<p>BT Plenarprotokolle 13/248, 15 October 1998, 23137, Statement by G. Schröder, Deutscher Bundestag (### speaking as State Premier of Niedersachsen, although it was already clear that he would be the next Chancellor. Cabinet Schröder I was inaugurated on 27.10.1998. ###)</p> <p>„Wenn alle NATO-Staaten, in deren Mehrheit sozialdemokratische Parteien Regierungsverantwortung tragen, die NATO-Entscheidung unterstützen und in ihr eine ausreichende Rechtsgrundlage sehen, ist es jedenfalls für mich nicht zwingend, anzunehmen, dass alle unsere Freunde im Unrecht sind und der eine oder andere von uns im Recht.“</p> <p>„Die am 23. September beschlossene Resolution 1199 ist eine Kapitel-VII-Maßnahme der Vereinten Nationen. Der UN-Generalsekretär hat festgestellt, daß der Adressat der Resolutionen, Milosevic, die Forderungen nicht erfüllt hat. Die NATO bezieht sich in ihrer Entscheidung ausdrücklich auf die Resolution 1199 und auf die Notwendigkeit, eine humanitäre Katastrophe zu verhindern. Die NATO – hat sich nicht selber ein Mandat erteilt; sie handelt im Bezugsrahmen der Vereinten Nationen.“</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	3 unclear	<i>see United Kingdom 6</i>
7. UNGA Reaction	4 no reaction	<i>see United Kingdom 7</i>
8. ICJ Reaction	3 unclear	<i>see United Kingdom 8</i>
9. State Reaction	3 unclear	<i>see United Kingdom 9</i>

325 Italy

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>ICJ CR 99/19, Verbatim Record, Public Sitting held on Monday 10 May 1999 in Procedures on Provisional Measures (Yugoslavia v Italy, Case Concerning the Legality of the Use of Force)</p> <p>“As everyone knows, NATO's military action has the sole objective of safeguarding the Kosovar Albanian population. The Kosovar Albanians have been the victims of acts of genocide committed by Yugoslav security forces and special police units, whose operations have been condemned by all</p>

							international bodies, and in particular by the United Nations Security Council in resolutions 1 160, 1 199 and 1203 of 1998." (p. 9)
							"While regretting the loss of life and material damage involved in the operation undertaken by the ten NATO States, the Italian Government would point out that this operation, whose sole aim is the protection of the right to life and existence of the Kosovar Albanian population, is being conducted in as limited a way as possible and cannot - because of its clearly limited character and the nature and scope of the means employed - constitute a threat to the very existence of the Yugoslav people." (p.10)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	5 humanitarian	### Cf. above (justificatory 1) ### NATO Press Release, 23. März 1999, (1999)040: „Our objective is to prevent more human suffering and more repression and violence against the civilian population of Kosovo. [...] We must halt the violence and bring an end to the humanitarian catastrophe now unfolding in Kosovo.“ (https://www.nato.int/docu/pr/1999/p99-040e.htm)

	Code	Material
6. UNSC Reaction	3 unclear	see United Kingdom 6
7. UNGA Reaction	4 no reaction	see United Kingdom 7

8. ICJ Reaction	3 unclear	<i>see United Kingdom 8</i>
9. State Reaction	3 unclear	<i>see United Kingdom 9</i>

220 France

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	“The actions that have been decided upon are a response to the violation by Belgrade of its international obligations, which stem in particular from the Security Council resolutions adopted under Chapter VII of the UNC . The Belgrade authorities must be persuaded that the only way to settle the crisis in Kosovo is for them to halt their military offensives in Kosovo and to accept the framework defined by the Rambouillet agreements” (S/PV.3988, p. 9)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material

0	0	
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	Code	Material
5. Legitimacy Claim	5 humanitarian	„Our objective is to prevent more human suffering and more repression and violence against the civilian population of Kosovo. [...] We must halt the violence and bring an end to the humanitarian catastrophe now unfolding in Kosovo.“ (NATO Press Release, 23. März 1999, (1999)040, (https://www.nato.int/docu/pr/1999/p99-040e.htm))

	Code	Material
6. UNSC Reaction	3 unclear	<i>see United Kingdom 6</i>
7. UNGA Reaction	4 no reaction	<i>see United Kingdom 7</i>
8. ICJ Reaction	3 unclear	<i>see United Kingdom 8</i>
9. State Reaction	3 unclear	<i>see United Kingdom 9</i>

640 Turkey

	Code
Law invoked?	2 No

	2 So un ce	Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	5 humanitarian	„Our objective is to prevent more human suffering and more repression and violence against the civilian population of Kosovo. [...] We must halt the violence and bring an end to the humanitarian catastrophe now unfolding in Kosovo.“ (NATO Press Release, 23. März 1999, (1999)040: (https://www.nato.int/docu/pr/1999/p99-040e.htm))

	Code	Material
6. UNSC Reaction	3 unclear	<i>see United Kingdom 6</i>
7. UNGA Reaction	4 no reaction	<i>see United Kingdom 7</i>
8. ICJ Reaction	3 unclear	<i>see United Kingdom 8</i>
9. State Reaction	3 unclear	<i>see United Kingdom 9</i>

345 Yugoslavia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2. Source of law	Contestation about					Material
		3 facts	4 interpretation	5. exceptional circumstances	6. abstr. gen. level	7 validity	
1 self-defence	4 no spec.	1 Yes	1 Yes	2 No	2 No	2 No	<p>S/1999/327, 24 March 1999: “I have the honour to forward herewith the decision of the Federal Government of the Republic of Yugoslavia to declare a state of war (see annex). [...]</p> <p>NATO this evening carried out aggression on the Federal Republic of Yugoslavia. A sovereign country has been attacked contrary to all the principles and norms of international law.</p> <p>For that reason, the Federal Government has decided to turn the declared state of an immediate war threat into a state of war. [...]</p> <p>It is an unprecedented act in international relations, one which runs counter to the Charter of the United Nations itself, and as such threatens peace and stability in the region and on the European continent”</p> <p>ICJ, CR 1999, 14 (pp. 34 ff.):</p>

						<p>“In sum, Mr. President, the respondent [= NATO] States violated the preemptory norm (<i>jus cogens</i>) of the prohibition of the use of force by participating in the aerial bombardment of the FRY in order to compel this State to sign the Interim Agreement” (p. 47)</p> <p>“Following the act of aggression and the barbaric bombardment of the area of Kosovo and Metohija suffered by its population, a second alleged reason for the illegal aggression on Yugoslavia was invented, that is the prevention of the humanitarian catastrophe which was created as a result of the increased number of refugees ... Only one day before the aggression started the OSCE Mission left the territory, without any reason on the part of the Yugoslav side. It thus enabled NATO to freely and brutally attack Yugoslavia and its people with full force.” (p. 60)</p> <p>“Neither the [EU] nor the [UN SG] however has the power to authorize the NATO members to enforce the support of the [FRY] in respect of the above purposes through military action ...in the present case, such an examination and authorization by the Security Council is lacking. By starting the aerial bombardment the NATO acted <i>ultra vires</i> indeed ... the NATO apparently has no implied powers.” (p. 45-6)</p> <p>ICJ, CR 1999, 14 (p. 37):</p> <p>The Yugoslav agent, in order to prove that Britain itself did not accept humanitarian interventions as legal justification for NATO intervention, was quoting from the British Year Book of Int. Law, Vol. 57 (1986), p. 614 ff.: “the overwhelming majority of contemporary legal opinion comes down against the existence of a right of humanitarian intervention, for three main reasons: first, the UN Charter and the corpus of modern international law do not seem specifically to incorporate such a right; secondly, state practice in the past two centuries, and especially since 1945, at best provides only a handful of genuine cases of humanitarian intervention, and, on most assessments, none at all; and finally, on prudential grounds, that the scope for abusing such a right argues strongly against its creation ... claims by some states that they are entitled to use force to prevent violations of human rights may make other states reluctant to accept legal obligations concerning human rights ... therefore, the case against making humanitarian intervention an exception to the principle of non-intervention is that its doubtful benefits would be heavily outweighed by its costs in terms of respect for international law”</p>
Letter sent in accordance with Art. 51 UNCh	1 yes	S/1999/327, 24 March 1999				

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<i>see United Kingdom 6</i>
7. UNGA Reaction	4 no reaction	<i>see United Kingdom 7</i>
8. ICJ Reaction	3 unclear	<i>see United Kingdom 8</i>
9. State Reaction	3 unclear	<i>see United Kingdom 9</i>

56. Kargil War 1999

Key data

Duration: 05.05.1999 – 17.07.1999; Parties: India vs. Pakistan; Initiator: Pakistan.

750 India

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self defence	1 Treaty	1 Yes	1 Yes	2 No	2 No	2 No	<p>“It is a situation that has arisen from one simple fact the decision of Pakistan to cross the Line of Control, to send its men and materials to occupy our territory. (...) No government can tolerate such an incursion - our Government certainly will not. Countries the world over have recognized that we have the full right to evict these intruders from our soil. But for me and for my Government this is not just a matter of our having a right. It is our duty to rid our sacred Motherland of every single intruder. (...) In the midst of all this, regulars of Pakistan Army and infiltrators have been sent across. Fomenting insurgency here was heinous enough. But this time Army regulars have been sent. They</p>

						<p>have been sent to occupy our territory. And, having occupied it, to choke off our links with other parts of our country - in particular with Siachen and Ladakh. This step has been taken after a great deal of preparation. It was a pre-planned operation. It is a repudiation of the letter and spirit of the Lahore Declaration. It is a violation not just of one article of the Shimla Agreement, but an eight-fold violation of that solemn Agreement. (...) The Shimla Agreement binds each side to respect the territorial integrity, sovereignty, and Independence of the other. The Clauses repeatedly or join that neither side shall use the threat of force or force to affect the territorial integrity of the other. The Agreement deals specifically with the Line of Control. (...) The whole world is watching how our brave armed forces are defending the Motherland in hospitable hilly terrain and at grave risks to their lives. The armed forces shall accomplish this task and ensure that no one dares to indulge in this kind of misadventure in future.” (Address To the Nation, Prime Minister of India Shri Atal Behari Vajpayee, New Dehli, June 7 1999, https://archivepmo.nic.in/abv/speech-details.php?nodeid=9168 (accessed on 1 July 2022))</p> <p>“Also, the world has seen that whatever we do, will be for self-defence, never for aggression. But the world has also seen that we are capable of doing so with utmost restraint, with utmost responsibility. These were the principles, which guided us when Pakistan forced the Kargil war on us. Our response was well thought out. It was so effective that it left the enemy stunned. The world today has well realized that we would do whatever is required to protect our country.” (Prime Minister Shri Atal Bihari Vajpayee's Independence Day Address, 15 August 1999, New Dehli, https://archivepmo.nic.in/abv/speech-details.php?nodeid=9169 (accessed on 1 July 2022))</p> <p>“The centre-piece of Mr Singh's [Minister for foreign Affairs of India] performance was the playing of what Indian claims are two taped telephone conversations between Pakistan's army chief, General Pervez Musharraf, and his chief of general staff, Lieutenant General Mohammed Aziz. The conversations, which allegedly took place during Gen Musharraf's visit to Beijing late last month, ‘established beyond any doubt the involvement and complicity of the Pakistani establishment in this misadventure’, Mr Singh said. He accused Islamabad of trying to redraw the line of control through the territory. While Mr Singh was talking of the ‘sanctity’ of the line of control, his defence minister said that it referred only to the maps agreed by Pakistani and Indian generals in 1972.” (“Barbarism’ insult fired at Pakistan”, The Guardian, 12.06.1999, https://www.theguardian.com/world/1999/jun/12/suzannegoldenberg (accessed on 1 July 2022))</p> <p>June 7: Indian Prime Minister Atal Behari Vajpayee said in a special broadcast to the nation on Door Darshan that peace talks would depend on how Pakistan ended the military stand-off over Kashmir and urged the latter to "undo the armed incursion". (Prime Minister Shri Atal Bihari Vajpayee's in: Pakistan Horizon 1999 Vol. 52, No. 3, p. 67, 75)</p>
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							<p>“In his message to the armed forces on the eve of the Independence Day, the Defence Minister said India had given an appropriate response to Pakistani intrusions in Kargil and Pakistan would not dare to indulge in such a misadventure again (...). ‘Every country knows that we don’t want war but we believe in brotherhood. We want peace with our neighbours and Prime Minister Atal Behari Vajpayee’s Lahore bus journey was a step in that direction. Pakistan committed the mistake of misunderstanding it as our weakness for which it received a befitting reply.’” (“Policy on welfare of ex-servicemen soon”, The Tribune, 15.08.1999, https://www.tribuneindia.com/1999/99aug15/nation.htm#1 (accessed on 1 July 2022))</p> <p>“There has been an erosion of trust and deterioration in the bilateral environment because of Pakistan’s aggression in Kargil” (Ms.Kunadi, Representative of India, Conference on Disarmament, CD/PV.386 of 7 September 1999, p. 17)</p>
Letter sent in accordance with Art. 51 UNCh	2 no						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	<p>Secretary General Kofi Annan in Press Release SG/SM/7003 of 25 May 1999: “The Secretary-General is concerned about report of a two-week long heavy exchange of fire between the Indian and Pakistani troops along the Line of Control in the Kargil and Drass sectors in Jammu and Kashmir. The Secretary-General calls on the parties to exercise restraint and cease the fighting, which has reportedly caused a number of casualties on the civilian population and displaced others from their villages in the area. These events again highlight the need for a political solution to the dispute over Kashmir.”</p> <p>Secretary General Kofi Annan in Press Release, SG/SM/7011 of 28 May 1999: “The Secretary-General remains very concerned about the hostilities near the line of Control near Kargil”.</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>China: “China hopes India and Pakistan will exercise restraint and peacefully resolve their differences and problems through patient and sincere dialogue” (Chinese foreign ministry spokesman, Zhu Bangzao quoted from Tellis, Fair, Medby, Limited Conflicts Under the Nuclear Umbrella – The Significance of the Kargil Crisis, 2001, p. 21)</p> <p>G8 Members: “We are deeply concerned about the continuing military confrontation in Kashmir following the infiltration of armed intruders which violated the Line of Control. We regard any military action to change the status quo as irresponsible. We therefore call for the immediate end of these actions, restoration of the Line of Control and for the parties to work for an immediate cessation of the fighting, full respect in the future for the Line of Control and the resumption of the dialogue between India and Pakistan in the spirit of the Lahore Declaration.” (Statement on regional issues, Cologne, 20 June 1999, http://www.g8.utoronto.ca/summit/1999koln/regional.htm (accessed on 1 July 2022))</p> <p>European Union: “The EU recalls its previous statements on Kashmir and reiterates the deep concern expressed by the Heads of States and Governments of the G8 in Cologne at the continuing military confrontation in Kashmir following the infiltration of armed intruders in the Kargil region which violated the line of control. The European Union calls for the immediate withdrawal of the infiltrators and urges both countries to work for the immediate cessation of fighting, to fully respect the line of control and to prevent further transborder infiltration.” (S/1999/732, Declaration by the Presidency on behalf of the European Union on Kashmir, 29 June 1999)</p> <p>United States:</p>

		“To our knowledge, India has not struck over the LoC, deliberately or accidentally” (Tellis, Fair, Medby, “US Rejects Pak Claims on LOC Violations”, Limited Conflicts Under the Nuclear Umbrella – The Significance of the Kargil Crisis, p. 22, quoting from The Times of India, 28 May 1999)
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770 Pakistan

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
10 denial of involvement	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	<p>### Pakistan denied any primary attack on Indian territory and any violation of the LoC by its military forces. It held independent Mujahideen responsible for these (aggressive) acts. ###</p> <p>“Simultaneously, India turned its heavy guns on us, while the Indian air force began to pound the Mujahideen-held positions. This sudden escalation was unexpected. It is true that the Mujahideen were present on several Kargil heights but it was part of their long freedom struggle and inseparable from it. (...) The world will pay serious attention to Kashmir, being now aware of its importance and sensitivity. That is why we appealed to the Mujahideen to come down from the heights they were occupying in Kargil and give diplomacy a chance so that it could carry forward and complete the mission for which they had made so many sacrifices. I am grateful to the Mujahideen for having accepted our appeal.” (Pakistani Prime Minister Nawaz Sharif’s Address to the Nation, July 12, 1999, https://www.satp.org/satporgtp/countries/pakistan/document/papers/pakistani_pm_nawaz.htm (accessed on 1 July 2022))</p>

Letter sent in accordance with Art. 51 UNCh	0 – not applicable
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2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 No spec.	1 Yes	1 Yes	2 No	2 No	2 No	<p>### Following Indian use of force, Pakistan pursued a two-pronged strategy. On the one hand, it justified armed attacks against Indian territory that had already been carried out as mere defensive acts against (according to their reading unjustified) Indian attacks or upcoming attacks without referring to the UN-Charter. On the other hand, as state under attack (according to its reading), it reserved the right of self-defence for future defensive measures in accordance with Article 51. ###</p> <p>### Statements regarding attacks that had already been carried out: “However, going by the attitude of India, it did seem to us that New Delhi was rapidly moving towards war. The use of air and land power in Kargil by India was on a scale associated with a large and regular war only. Pakistani positions were shelled from across the Line of Control resulting in the death of innocent civilians and armed forces personnel who were merely defending themselves. The number of troops deployed by India on our borders was again warlike. Its naval power was moved close to our shores and its nuclear missiles turned towards us. The Indian air force was put on red alert. I salute the armed forces of Pakistan which took all necessary steps to deal with the expected Indian attack with exemplary efficiency and speed.” (Pakistani Prime Minister Nawaz Sharif's Address to the Nation, July 12, 1999, https://www.satp.org/satporgtp/countries/pakistan/document/papers/pakistani_pm_nawaz.htm (accessed on 1 July 2022))</p> <p>“There has been a sharp escalation in violations of the Line of Control in the disputed state of Jammu and Kashmir by the Indian side over the past two weeks. Long-range and heavy artillery, helicopter gunships and aircraft used and not only targeting Kashmiri freedom fighters in the Kargil</p>

					<p>area but also positions across the Line of Control in Pakistani-controlled sectors, causing loss of civilian lives and property. This morning, two Indian fighter aircraft, a MIG-27 and MIG-21, were shot down nearly 15 kilometres inside the Pakistani controlled area in Kashmir (...) India has used its air force in the disputed territory for the first time since the 1971 war. This is a dangerous and unprecedented move." (S/1999/633 (A/54/118), Letter dated 27 May 1999 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General of 2 June 1999)</p> <p>"But on Friday, army chief General Parvez Musharraf admitted his troops had crossed the Line of Control. He said there had been what he called 'occasional and aggressive patrolling' on the Indian side of the line 'to pre-empt any possible attack on Pakistan.' But he did not say if soldiers had been involved in direct fighting with Indian troops." ("World: South Asia Indian army sweeps for mines", BBC, 18.07.1999, http://news.bbc.co.uk/2/hi/south_asia/397548.stm (accessed on 1 July 2022))</p> <p><i>### Statements regarding reservation for future defensive measures:</i></p> <p>"Pakistan has lodged a strong protest with the Government of India concerning this blatant and unprovoked act of military aggression, which is a flagrant violation of the international norms relating to the inviolability of international frontiers, as well as the bilateral agreements between Pakistan and India on the prevention of airspace violations of 6 April 1991 (...). This aggression has resulted in the loss of 16 naval personnel. (...) Pakistan reserves the right to make an appropriate response in self-defence" (S/1999/867 (A/54/214), Letter of 10 August 1999 from the Foreign Minister of Pakistan addressed to the Secretary-General)</p> <p>"On 10 August 1999, an unarmed Pakistani naval aircraft, Breguet Atlantique, undertaking scheduled instrument flight training over Pakistani airspace was shot down by air-to-air missiles fired by Indian air force planes. All 16 personnel on board the Atlantique, mostly young naval trainees, were killed. 2. India has admitted that its air force shot down the Pakistani naval aircraft. India's initial assertion that it had shot down the aircraft over Indian airspace has been subsequently proven false. 3. After shooting down the Atlantique, Indian forces again violated Pakistan's airspace and territory by sending helicopters to remove parts of the aircraft's wreckage to the Indian side of the border. This macabre theft was designed to substantiate India's false assertion that the Pakistan naval aircraft had been shot down over Indian territory. 4. This wanton and unprovoked use of force by India against an unarmed Pakistani aircraft, over Pakistani airspace, constitutes a "grave breach of the peace", and an "act of aggression" within the meaning of the Charter of the United Nations. (...) This aggression has further deteriorated the relations between India and Pakistan. (...) Finally, Pakistan reserves all its rights under Article 51 of the Charter of the United Nations." (S/1999/937, Letter of 30 August 1999 from the Minister for Foreign Affairs of Pakistan addressed to the President of the Security Council)</p>
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						<p>“ ‘Today I [Pakistan Prime Minister Nawaz Sharif] talked to Mr Vajpayee and asked him how long the air strikes will continue and told him that if more planes will come, their fate will not be different from the two which were downed yesterday. (...) Three days earlier I had told Mr Vajpayee that as a signatory to Lahore Declaration we should work for making the region bastion of peace by peacefully resolving the Kashmir issue,’ he said regretting that the very next day the Indian planes attacked parts of Kashmir. He emphasised that air strikes were not the solution of Kashmir issue and this would not deter Pakistan from its course. ‘If anyone has aggressive designs against Pakistan, then we also have the right to defend ourself,’ he said adding that Pakistan was capable of defending itself.” (“Pakistan seeks early talks to end tension”, The Daily DAWN, 29.05.1999, https://asianstudies.github.io/area-studies/SouthAsia/SAserials/Dawn/1999/29May99.html#paki (accessed on 1 July 2022))</p> <p>“He, [Sartaj Aziz, Minister for Foreign Affairs of Pakistan] however, said that if there was transgression of the LoC and if Pakistani positions were hit and air space violated, Pakistan will have no option but to retaliate in self defence. ‘Our brave armed forces are, by the grace of God, fully prepared to face all eventualities,’ he added. (...) ‘This Indian obsession can cause new provocations, especially if there are attempts involving violations of the LoC,’ the minister said, adding, ‘we have made it clear that as in the past, we will resolutely defend our side of the LoC. We will continue to exercise restraint, but will firmly retaliate against any intrusion or violation of the LoC.’ The minister assured the Senate that Pakistani armed forces were prepared to meet all eventualities and would not allow any violation of its territory and air space and the aggressor would not go unpunished.” (“Sartaj to visit New Delhi on 7th to discuss peace in Valley”, The Daily DAWN, 03.06.1999, https://asianstudies.github.io/area-studies/SouthAsia/SAserials/Dawn/1999/05jun99.html#sart (accessed on 1 July 2022))</p>
Letter sent in accordance with Art. 51 UNCh	2 no	### The letters transmitted (S/1999/937 and S/1999/867) only refer to the reservation of the right to self-defence for future use of force. ###				
4. Invocation of use of force by a victim state	.1 Source	Material				

0	0	
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5. Legitimacy Claim	Code	Material
	1 enable self-determination	<p>"This indigenous struggle is being waged for the right of self-determination promised to them by India and the United Nations. If India has not honoured its commitment and flouted the resolutions of the Security Council, the onus of responsibility must lie squarely on India. India continues to allege outside interference as a ploy to divert and confuse international opinion against the just cause of the Kashmiris." (S/1999/633 (A/54/118), Letter dated 27 May 1999 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General of 2 June 1999)</p> <p>"It is also a smoke-screen to mislead the international community about the brutal repression that India continues against the legitimate and indigenous struggle of the Kashmiri people for self-determination." The minister said that the Kashmiri struggle had been going on for past 10 years despite ruthless measures by more than 600,000 Indian troops deployed in occupied Kashmir and it was still continuing. "In its frustration India keeps blaming Pakistan for interference. Such false accusations cannot cover up India's ruthless repression of the Kashmiris," he said. The minister reiterated Pakistan's moral, political and diplomatic support to the Kashmiris struggle and said that the intensity and scale of the Indian operations only signified the vigour of the Kashmiri struggle and the failure of policy of repression to subdue the Kashmiri freedom fighters. The minister said that Pakistan had consistently drawn the attention of the international community towards this Indian repression. "This time, the Indian operation has crossed every limit. The ground deployments, the extensive use of heavy artillery and the deployment of air power has caused a qualitatively new escalation. (...) Describing Kashmir as the root cause of tension in South Asia, he said, India must, therefore, cooperate with Pakistan in an effort to find a just and durable solution of Kashmir issue which should be based on the exercise of the right to self-determination by the Kashmiri people. ("Sartaj to visit New Delhi on 7th to discuss peace in Valley", The Daily DAWN, 03.06.1999, https://asianstudies.github.io/area-studies/SouthAsia/SAserials/Dawn/1999/05jun99.html#sart (accessed on 1 July 2022))</p> <p>"The people of Jammu and Kashmir must have the opportunity to exercise their right to self-determination in accordance with the commitments made by the Security Council, India and Pakistan. As proof of his desire for peace, the Chief Executive of Pakistan had announced on 17 October 1999 that Pakistan would unilaterally withdraw its troops from the border with India" (Representative of Pakistan Mr. Haque in GA Special Political and Decolonization Committee, A/C4/54/SR/12, of 29 November 1999, para. 62)</p>

		<p>“Kashmiri Mujahideen through their sacrifices and battle successes wrote out a new chapter in their freedom struggle. (...) Simultaneously, India turned its heavy guns on us, while the Indian air force began to pound the Mujahideen-held positions. This sudden escalation was unexpected. It is true that the Mujahideen were present on several Kargil heights but it was part of their long freedom struggle and inseparable from it. (...) Once the Mujahideen had succeeded in drawing world attention to Kashmir, it is understandable that they would wish to disengage. (...) The Kashmiri urge for freedom was like molten lava in the belly of the earth which would always find other points of eruption. Even if we succeeded in capping the fire-spitting mountains of Kargil, unless the basic problem was addressed, there will be outbreaks elsewhere. If the Kashmiri people were not given their right of self-determination, there would be other Kargils. Neither we, nor India, would be able to stop that. The only way to stop more Kargils from happening was to do justice to the Kashmiris. The promises made to their had to be fulfilled. (...) The world will pay serious attention to Kashmir, being now aware of its importance and sensitivity. That is why we appealed to the Mujahideen to come down from the heights they were occupying in Kargil and give diplomacy a chance so that it could carry forward and complete the mission for which they had made so many sacrifices. I am grateful to the Mujahideen for having accepted our appeal. (...) World opinion will have to decide how long this drama of blood and fire is to be played in Kashmir. Why the delay in resolving the Kashmir problem! The United Nations conferred the right of self-determination on the Kashmiris over fifty years ago. India promised to implement those resolutions. It was not Pakistan which passed those resolutions: it was the United Nations. India neither implements those resolutions nor does it enter into any meaningful or result-oriented discussions with Pakistan. Is this how problems are resolved in this world!” (Pakistani Prime Minister Nawaz Sharif’s Address to the Nation, July 12, 1999, https://www.satp.org/satporgtp/countries/pakistan/document/papers/pakistani_pm_nawaz.htm (accessed on 1 July 2022))</p>
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	Code	Material
6. UNSC Reaction	5 no reaction	<i>see India 6</i>
7. UNGA Reaction	4 no reaction	<i>see India 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 Unclear	<p>China: “Out of consideration for maintaining peace and stability in the South Asian region, Pakistan should remain cool-headed and exercise self-control and solve conflicts through peaceful means and avoid worsening the situation. (...) We hope that India and Pakistan will resume dialogue and return to the path of peaceful negotiations.” (Li Peng, Chairman of the National People’s Congress of China in “China backs Pakistan’s efforts to ease tension”, The Daily DAWN, 12.06.1999, https://asianstudies.github.io/area-studies/SouthAsia/SAserials/Dawn/1999/12jun99.html#chin (accessed on 1 July 2022))</p> <p>United States: “President Clinton and Prime Minister Sharif share the view that the current fighting in the Kargil region of Kashmir is dangerous and contains the seeds of a wider conflict. They also agreed that it was vital for the peace of South Asia that the Line of Control in Kashmir be respected by both parties, in accordance with their 1972 Simla Accord. It was agreed between the President and the Prime Minister that concrete steps will be taken for the restoration of the line of control in accordance with the Simla</p>

	<p>Agreement. (...)” (Joint Statement of President Clinton with Prime Minister Nawaz Sharif of Pakistan, July 4, 1999, https://www.govinfo.gov/content/pkg/WCPD-1999-07-12/pdf/WCPD-1999-07-12-Pg1278.pdf)</p> <p>“The United States has openly held Pakistan responsible for starting the conflict and called on Mr. Sharif to withdraw the forces that American officials say Pakistan is supporting. (...) American officials say they have intelligence that shows the Pakistani soldiers in the battle zone, but the Pakistanis say the evidence is bogus. (...) [US] Administration has made clear its position that Pakistan is the aggressor and must pull back some 700 troops to its side of the ‘line of control’. (“Kashmir Thwarts India-Pakistan Attempt at Trust”, The New York Times, 04.07.1999, p.4, https://timesmachine.nytimes.com/timesmachine/1999/07/04/460907.html?pageNumber=4 (accessed on 1 July 2022))</p> <p>“June 23: The US announced in Washington that it had dispatched a top military general to Pakistan to ask Islamabad to withdraw the ‘infiltrators’ across the LoC in the Kargil sector.</p> <p>June 24: The State Department cautioned that things could ‘get bad’ for Pakistan without denying that Commander-in-Chief of CENTCOM, General Anthony Zinni, now in Pakistan, had extended some kind of implied ‘warning’ to withdraw from Kargil.</p> <p>June 29: A senior US official said in New Delhi that US was unwilling to mediate in the Kashmir confrontation and saw no easy way of influencing Pakistan to ensure ‘infiltrators’ pull back from the Indian territory.” (Pakistan Horizon 1999, Vol. 52, No. 3, p. 67, 90)</p> <p>European Union: <i>see India 9</i></p> <p>G8 Members: <i>see India 9</i></p>
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57. Al Aqsa Intifada 2000-2003

Key data

Duration: 28.09.2000 – 09.09.2003; Parties: Israel, Palestinians; Initiator: Palestinians.

666 Israel

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	1 Yes	2 No	2 No	2 No	<p>“In these circumstances, Israel is compelled to take the measures Chairman Arafat and the Palestinian leadership have steadfastly refused to take. We will exercise our basic right of self-defence and target the vast terrorist infrastructure that the Palestinian Authority continues to nurture and sustain in its territory. In doing so, we will take all necessary measures to minimize harm to innocent civilians. In doing so, we will make clear that there can be no tolerance for terrorism, which deliberately targets the innocent; that terrorism and peace cannot coexist; that they are, simply, each other’s enemies.” (S/PV.4503, 29 March 2002, p. 6.)</p>

						<p>“Having said that, I would like to add that appealing to Israel to withdraw from Ramallah and other Palestinian cities without an equivalent appeal to the Palestinian side to put an end to the suicide attacks and to destroy the terrorist infrastructure misrepresents the nature of the Israeli operation, which is one of legitimate self-defence. In so doing, the Security Council is rewarding the Palestinian terrorists. We condemn that; we cannot accept it.” (S/PV.4503, 29 March 2002, p. 35 (in relation to the adoption of S/Res/1402))</p> <p>3.3 Contestation about facts</p> <p><i>### Israel claimed that the Palestinian authority (Palestinians in general) had contributed to organizing and supporting terrorist acts against Israel, whereas the authority negated such responsibility.###</i></p> <p>“The international community must resist the tendency to approach the conflict in the Middle East by attempting to find some middle ground between terrorists and their victims, to forge a compromise between those who initiate violence and those who must defend against it. There is no moral equivalence between the two. For 17 months the Palestinians have been intent on proving that violence works; Israel is intent on proving that it does not.” (S/PV.4478, 26 February 2002, p. 22)</p> <p>“I am writing to draw your attention to some extremely troubling documents recently discovered by Israel which constitute clear evidence that the Palestinian Authority and its Chairman, Yasser Arafat, have been directly and actively involved in organizing, inciting, and financing acts of terrorism directed against Israeli citizens. [...] Another document, written on the letterhead of the ‘AL-AQSA Martyres Troops’ and found in Chairman Arafat’s Ramallah compound in the offices of Fuad Shoubaki, the chief procurement and finance officer of the Palestinian Authority, is a request for funds for Al Aqsa’s terrorist operations. [...] The document also requests funding for posters and other promotional materials that publicize and glorify the actions of suicide bombers. It should be recalled that the United States Department of State has placed the Al Aqsa Brigades on its list of Foreign Terrorist Organizations (FTOs). The financial links between the Palestinian Authority and known terrorists are further demonstrated in another document that requests financial aid for three Palestinian terrorists.” (A/56/964, S/2002/583; Letter of 23 May 2002 from the Permanent Representative of Israel to the UN addressed to the Secretary-General)</p>
Letter sent in accordance with Art. 51 UNCh	2 no					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	2 maintenance of law and order	<p>“Chairman Arafat has inaccurately labelled these retaliatory strikes a declaration of war. This is sheer nonsense. Israel has no interest in ‘declaring war’ on the Palestinian people, and it serves no one’s interest for Mr. Arafat to portray it as such. Israel is meeting its obligation under international law to maintain order in the area and to protect its citizens.” (S/2000/985, Letter of 12 October 2000)</p>

	Code	Material
6. UNSC Reaction	2 disapproves	<p>S/Res/1322, 7 October 2000 (Yes: 14 No: 0 Abstentions: 1 [US]): “[...] 1. Deplores the provocation carried out at Al-Haram Al-Sharif in Jerusalem on 28 September 2000, and the subsequent violence there and at other Holy Places, as well as in other areas throughout the territories occupied by Israel since 1967, resulting in over 80 Palestinian deaths and many other casualties; 2. Condemns acts of violence, especially the excessive use of force against Palestinians, resulting in injury and loss of human life; 3. Calls upon Israel, the occupying Power, to abide scrupulously by its legal obligations and its responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949; 4. Calls for the immediate cessation of violence, and for all necessary steps to be taken to ensure that violence ceases, that new provocative actions are avoided, and that the situation returns to normality in a way which promotes the prospects for the Middle East peace process; 5. Stresses the importance of establishing a mechanism for a speedy and objective inquiry into the tragic events of the last few days with the aim of preventing their repetition, and welcomes any efforts in this regard; [...]”</p> <p>S/Res/1397, 12 March 2002 (Yes: 14 No: 0 Abstentions: 1 [Syria]): Demanded a cessation of hostilities from both sides, and affirmed “a vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders.”</p> <p>S/Res/1402, 30 March 2002 (Yes: 14 No: 0 Abstentions: 0 Non-Voting: 1 [Syria]):</p>

		<p>“Expressing its grave concern at the further deterioration of the situation, including the recent suicide bombings in Israel and the military attack against the headquarters of the President of the Palestinian Authority, 1. Calls upon both parties to move immediately to a meaningful ceasefire; calls for the withdrawal of Israeli troops from Palestinian cities, including Ramallah; [...] 2. Reiterates its demand in resolution 1397 for an immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction;”</p> <p>S/Res/1435, 24 September 2002 (Yes: 14 No: 0 Abstentions: 1 [USA]): “[...] 1. Reiterates its demand for the complete cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction; 2. Demands that Israel immediately cease measures in and around Ramallah including the destruction of Palestinian civilian and security infrastructure; 3. Demands also the expeditious withdrawal of the Israeli occupying forces from Palestinian cities towards the return to the positions held prior to September 2000; 4. Calls on the Palestinian Authority to meet its expressed commitment to ensure that those responsible for terrorist acts are brought to justice by it;”</p>
7. UNGA Reaction	2 disapproves	<p>### In response to the September/October events, the 10th Emergency Special Session of the UNGA (first convened in 1997) resumed on 18.10.2000 and adopted A/RES/ES-10/7 ###</p> <p>Res ES-10/7 of 20 October 2000 (Yes: 92 No: 6 Abstentions: 46): “[...]Expressing its deep concern over the provocative visit to Al-Haram Al-Sharif on 28 September 2000 and the tragic events that followed in Occupied East Jerusalem and other places in the Occupied Palestinian Territory, which resulted in a high number of deaths and injuries mostly among Palestinian civilians, Expressing its deep concern also over the clashes between the Israeli army and the Palestinian police and the casualties on both sides, [...] 1. Condemns the violence that took place on 28 September 2000 and the following days at Al-Haram Al-Sharif and other Holy Places in Jerusalem as well as other areas in the Occupied Palestinian Territory, resulting in the deaths of over 100 people, the vast majority of whom were Palestinian civilians, and many other casualties; 2. Condemns also acts of violence, especially the excessive use of force by the Israeli forces against Palestinian civilians; “</p> <p>Res/55/55 of 01 Dec 2000 (Yes: 149 No: 2 [Israel, US] Abstentions: 3 Non-Voting: 35): “Expressing its deep concern over the tragic events in Occupied East Jerusalem and the Occupied Palestinian Territory since 28 September 2000, which have resulted in a high number of deaths and injuries, mostly among Palestinian civilians, and concerned also about the clashes between the Israeli armed forces and the Palestinian police and the casualties on both sides”</p> <p>Res/55/130 of 28 February 2001 (Yes: 91 No: 2 Abstentions: 61 Non-Voting: 35): “Expresses grave concern about the situation in the Occupied Palestinian Territory, including Jerusalem, as a result of Israeli practices and measures, and especially condemns the excessive use of force in the past few weeks which has resulted in more than one hundred and sixty Palestinian deaths and thousands of injuries.”</p> <p>Res 55/133 of 28 February 2001 (Yes: 150 No: 3 Abstentions: 1 Non-Voting: 35):</p>

		<p>“Condemns acts of violence, especially the excessive use of force against Palestinian civilians, resulting in injury and loss of human life;”</p> <p>Res ES-10/8 of 24 Dec 2001 (Yes: 124 No: 6 Abstentions: 25 Non-Voting: 34): “Demands the immediate cessation of all acts of violence, provocation and destruction, as well as the return to the positions and arrangements that existed prior to September 2000; 2. Condemns all acts of terror, in particular those targeting civilians; 3. Also condemns all acts of extrajudiciary executions, excessive use of force and wide destruction of properties; 4. Calls upon the two sides to start the comprehensive and immediate implementation of the recommendations made in the report of the Sharm el-Sheikh Fact-Finding Committee (Mitchell report) in a speedy manner;”</p> <p>Res ES-10/11 of 10 September 2002 (Yes: 114 No: 4 Abstentions: 11 Non-Voting: 60): “[...] Reiterating the obligation of Israel, the occupying Power, fully and effectively to respect the Geneva Convention relative to the Protection of Civilian Persons in Time of War, [...] Gravely concerned at the tragic and violent events that have taken place since September 2000 and at the continued violence in the Occupied Palestinian Territory, including Jerusalem, as well as in Israel, [...] 2. Demands the immediate cessation of military incursions and all acts of violence, terror, provocation, incitement and destruction; 3. Also demands the immediate withdrawal of the Israeli occupying forces from Palestinian population centres towards a return to the positions held prior to September 2000;”</p> <p>Report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, A/55/35, 10 Oct 2000, p.7: “The Committee was of the view that the events were a direct result of the policies and practices of the Israeli occupation. The Chairman said Israel had continued to violate its obligations under the Fourth Geneva Convention and the provisions of Security Council and General Assembly resolution.”</p>
8. ICJ Reaction	4 no reaction	<p>### While the 9 July 2004 Advisory opinion of the ICJ (<i>Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory</i>) concerned one aspect related to the Al-Aqsa Intifada (Israel started the construction of the Wall against the background of the ongoing Intifada), it did not include a general statement of the ICJ on the Intifada as a whole. ###</p>
9. State Reaction	2 disapproves	<p>Diplomatic efforts: ### After unfruitful negotiations in Paris, the Sharm el-Sheikh Middle East Peace Summit (16-17 October 200), established a Fact-Finding Committee, chaired by former US Senator George Mitchell, to investigate the causes of the violence. (UNYB 2000, 414 f). One further diplomatic initiative was taken by the so-called Quartet in 2002 (Russia, USA, EU, UN), see UNYB 2002, pp 423 f. ###</p> <p>Statements in the United Nations fora: France: “These events are the result of a deliberate provocation by Mr. Ariel Sharon on Thursday, 28 September. France unreservedly condemns his irresponsible visit to the sacred site of the Mosque Plaza, undertaken for reasons of domestic politics, at the most sensitive time in the peace negotiations. France deplores the violence that grew out of that visit. Above and beyond that provocation, it is the responsibility of those who are in charge of maintaining order that is at issue. As President Chirac put it</p>

	<p>yesterday morning, 'You do not fight against the emotion of a people with armour'. The disproportionate use of armed force witnessed in the last several days manifestly violates the Fourth Geneva Convention." (S/Pv.4204, 03 Oktober 2000, p. 7)</p> <p>Russia: "Russia calls on both sides immediately and unconditionally to take these steps so as to meet each other half-way, to end the violence and to resume the negotiating process. In the interests of eradicating terrorism and of creating conditions of security, there must be cooperation between Israel and the Palestinian Authority, headed by its legitimate leader, Yasser Arafat." (S/PV.4478, 26 February 2002, p. 9)</p> <p>China: "We express our deep concern about the continuation and escalation of the conflict between Palestine and Israel and about the resulting deterioration of the situation in the region. We condemn the use of force against Palestinian civilians and any violent acts detrimental to the Middle East peace process." (A/ES-10/PV.14, 20 October 2000, p. 17)</p> <p>Islamic Group at the UN: "The Islamic Group at the United Nations met on Monday, 2 October 2000, to review the urgent and grave situation in the Occupied Palestinian Territory, including the situation in Al-Quds Al-Sharif. The Islamic Group expressed deep concern over the aggression by Israel, the occupying Power, against Al-Haram Al-Sharif in the Holy City of Jerusalem, after the provocative visit that took place on 28 September 2000 by the leader of the Israeli Likud party, and the aggression and violence against the Palestinian people that ensued in the following days throughout the Occupied Palestinian Territory, resulting in over 45 Palestinian deaths and 1,000 injuries. The Islamic Group condemned the actions of the Israeli security forces against defenceless Palestinian civilians. The excessive use of force and weaponry used by Israel against the Palestinian people has resulted in the grave loss of innocent human lives, countless injuries, and the vast destruction of property." (S/2000/956, 02 October 2000, statement contained in Malaysian Letter S/2000/956)</p> <p>Spain, speaking on behalf of the European Union: "The European Union strongly condemns and expresses its dismay at the latest outbreak of terror and violence in the Middle East, which has led to more casualties, including a significant number of civilians. We wish to convey our most sincere condolences to the Israelis and the Palestinians, both victims of this situation. [...] Terror and violence must end. Each side must face up to its responsibilities and take immediate and resolute action." (S/PV.4478, 26 February 2002, p. 22)</p> <p>Colombia: "Israel's excessive use of force, which has an indiscriminate effect on the Palestinian population, as well as selective murders, are practices that have not contributed to the cause of peace, nor have they resolved the security problems of the Israeli people. Likewise, the terrorist attacks by extremist Palestinian groups, which have had an indiscriminate effect on the civilian population of Israel, have not contributed to resolving the problem of the occupation of Palestinian territories, nor have they helped meet the major economic needs of the Palestinian people." (S/PV.4478, 26 February 2002, p. 8)</p>
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		<p>Egypt: “The Government and the people of Egypt are enraged not only because our Palestinian brethren are suffering as a result of Israeli acts of aggression, violence and oppression, but also because of the intransigent and truth-denying position of Israeli officials, who will not even admit Israel’s clear responsibility for the bloody events that have taken place before the eyes of the entire world.” (S/PV.4204, 03 October 2000, p. 17)</p> <p>Ireland: “The Palestinian Authority must act vigorously and effectively to bring an end to terrorism. [...] The Israeli Government must likewise accept that the excessive use of force, extrajudicial killings; attacks on the institutions and infrastructure of the Palestinian Authority; and collective punishment, including house demolitions, economic closures and the impoverishment of Palestinians, are not only wrong and deeply unjust in themselves, but can never bring about the peace and security desired by the Israeli people.” (S/PV.4478, 26 February 2002, pp. 9 f.)</p> <p>Syria: “The grave deterioration of the situation in the occupied Arab territories as well as the alarming spiral of Israeli aggression against the Palestinian people and its infrastructure — particularly in the past few days — constitute a blatant violation of international law and international humanitarian law, in particular the Fourth Geneva Convention of 1949. These actions also violate the relevant Security Council resolutions on the Arab-Israeli conflict. Israeli occupation forces have committed a series of criminal actions which daily cause the death and injury of dozens of people and now total around a thousand Palestinian martyrs and thousands of injured Palestinians since the beginning of the intifada. This is in addition to the imposition of the policy of siege, starvation, destruction and the killing of children, the elderly and women, as well as what was mentioned by the representatives of Mauritius and Palestine.” (S/PV.4478, 26 February 2002, p. 15)</p> <p>Mauritius: “We condemn all acts of provocation and violence from the Israeli side. We also condemn all acts of terror from Palestinian fringe groups, which continue to harm the Palestinian cause. [...] The international community has said time and again that there can be no military solution to the Middle East crisis. Yet Israel, under the pretext of defending its population, is resorting only to military action to further oppress the Palestinian people. Israel is demonstrating its power, taking no heed of the call for restraint by the international community. This compounds further the feeling of despair among the Palestinians.” (S/PV.4478, 26 February 2002, p. 5)</p> <p>Jordan: “Israeli acts of aggression and attacks on the Palestinian people and the Palestinian Authority and its institutions and infrastructure continue, with serious consequences. These acts of aggression continue to cause further deterioration of the situation involving the two parties and in the region as a whole. This impacts on the security and stability of the region as a whole. It has been proved that such acts of aggression, combined with the policy of assassinations, the demolition of homes, the military and economic siege</p>
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	<p>of Palestinian villages and towns and of the Palestinian people and leaders, will not lead to safety and security for the Israeli Government and the Israeli people. Furthermore, such acts of aggression constitute a flagrant violation of the agreements signed between the two parties, of the principles of international and humanitarian laws and of relevant international instruments. [...] It also condemns the targeting and killing of civilians on both sides.” (S/PV.4478, 26 February 2002, p. 25)</p> <p>Morocco: “Our delegation condemns Israel’s continued and systematic escalation of its military campaign against the defenceless Palestinian people, its resort to collective punishment, the destruction of official buildings of the Palestinian National Authority and its socio-economic infrastructures, its policy of assassinations that target symbols of the Palestinian Authority, and the economic and military siege of Palestinian villages and towns. These practices constitute a blatant violation of international resolutions and the norms of international humanitarian law, as well as of relevant international instruments, including the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.” (S/PV.4478, 26 February 2002, p. 34)</p> <p>Bahrain: “In order for the Israeli Government to begin the implementation of its programme of usurpation and destruction, it had to create a crisis. The head of the Government visited the Al-Aqsa Mosque, setting off protests that started the second intifada with all its destructive consequences. It has escalated to a point unprecedented since the beginning of the Palestinian cause in 1948. Israel’s excessive use of military force, employing a large number of tanks, evokes scenes from both world wars. We saw tanks crush automobiles and prevent ambulances from reaching the injured, transforming Palestine’s cities and villages into battlefields. All that is clear evidence of the current Israeli Government’s plan, which relies on the achievement of its expansionist policies by force.” (S/PV.4510 (Resumption1), 8 April 2002, p. 24)</p> <p>Libya: “The Palestinians are told that they must put a stop to the terror; we can only respond by saying that that demand must be addressed to the greatest terrorist organization in the world: the Israeli army. The Palestinians are defending themselves, their honour, their territories and their property; they are defending their right to live on their own territory. Palestinians have not come from all over the world to carry out terrorist acts on their own territory, where they themselves live. The occupier has come to kill them, to destroy their homes and to besiege them, cutting off power, water and food.” (S/PV.4510(Resumption1), 9 April 2002, p. 12)</p> <p>United Arab Emirates: “We therefore affirm the need for the Council to distinguish between the terrorism pursued by the Israeli Government and the legitimate right of the Palestinian people to self-defence and to resist occupation until their territories have been liberated and an independent State has been established in independent Palestine, with Jerusalem as its capital, on the basis of the provisions of the Charter of the United Nations, the principles of international law and the relevant decisions of international legitimacy.” (S/PV.4510(Resumption1), 09 April 2002, p. 22)</p>
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		<p>Iraq: “All the Palestinian people want is to recover their land that has been usurped and to defend their dignity, their sovereignty and their right to establish their independent State on their land in accordance with the rules of international law. But it would seem that those who struggle to recover their rights, particularly their rights to freedom and to self-determination, are labelled ‘terrorists’ by some — by those who attempt to overturn the principles that are internationally accepted in order to justify their policies of hegemony and aggression. (...) However loud the voices of hypocrisy and however persuasive the false concepts they espouse, the voices of truth and right will not be overcome. Those who defend their land against occupation are not terrorists. They are acting in accordance with the rules of international law.” (S/PV.4515, 18 April 2002, pp. 28, 29)</p> <p>Norway: “Norway strongly condemns the Palestinian terrorist attacks, including the use of Kassam rockets. The Palestinian Authority must fight Palestinian terrorism vigorously and dismantle the terrorist networks. [...] The Israeli bombardment of Palestinian cities and institutions, which has led to death and destruction on a scale unprecedented since the start of the peace process, is unacceptable. These Israeli military operations are out of proportion in relation to military, security and police needs.” (S/PV.4478, 26 February 2002, p. 12)</p>
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Palestinians

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	1 Source	Material
1 yes	4 no spec.	<p>Since Thursday, 28 September 2000, Israel, the occupying Power, has committed an aggression against Al-Haram Al-Sharif, the third holiest site of Islam, and used excessive lethal force, mainly against Palestinian civilians protesting Israeli aggression and other oppressive policies. (...) All of the above-mentioned actions constitute grave breaches of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to all the territories occupied by Israel since 1967. In this regard, we believe that several Israeli soldiers have committed war crimes and must be held accountable.” (S/2000/930, Letter of 02 October 2000 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and to the President of the Security Council, pp. 1, 2)</p> <p>“The Sharon visit and the forced entry into Al-Haram Al-Sharif by Israeli security forces resulted in a large number of injuries and touched off massive protests by Palestinian civilians in occupied East Jerusalem and across the occupied Palestinian territories. Those protests stemmed from our people’s conviction of the need to defend its holy sites against Israeli aggression and from deep frustration at the Israeli Government’s policies and attitudes, which have impeded any meaningful progress in the peace process that would lead to a change in the status quo, despite the genuine efforts made by many parties, including the American Administration and the American President himself.” (S/PV.4204, 03 October 2000, p. 3)</p> <p>“In addition to all this ugliness, Israel, the occupying Power, makes unrelenting attempts to lay the blame on the Palestinian side — to lay the blame on those who have been killed and injured. Occupation is to be forgotten; colonial behaviour is to be forgotten; heavy weaponry is to be forgotten; the large number of Palestinian victims, including children, is to be forgotten. And the Palestinian side must be blamed because it dared to scream. The Palestinian people must be blamed because they have expressed their anger and frustration through demonstrations and by throwing stones at the soldiers of occupation. They are even subjected to accusations that reflect the racist thinking of the occupying Power, the least of which is that the Palestinian people are being instigated and that the leadership intentionally pushes our children to be killed by Israeli gunfire.” (A/ES-10/PV.13, 18 October 2000, p. 2)</p> <p>“Our people saw all this as a flagrant aggression against their holy places and as a prelude to other steps by the occupying Power aimed at undermining their rights and possibly at establishing other illegal realities in East Jerusalem. In standing up to this, our people expressed their rejection of these acts and of occupation, as well as their determination to defend their Islamic and Christian holy places and the Arab nature of East Jerusalem, and their determination to achieve their natural rights, including the establishment of their own independent State with Jerusalem as its capital.” (A/ES-10/PV.13, 18 October 2000, p. 3)</p>

		<p>“Since 28 September 2000, the Palestinian people have suffered flagrant violations of their human rights as defined by international humanitarian law and the Universal Declaration of Human Rights. For over 16 months, they have been subjected to continuous and systematic war crimes and State terrorism being committed by the Israeli occupying forces.” (S/PV.4478, 26 February 2002, p. 3)</p> <p>“As time passes, the horrific consequences of the Israeli aggression are coming to light, specifically the shocking humanitarian situation on the ground. The Israeli forces have committed gross violations of the fourth Geneva Convention of 1949, including the premeditated killing of civilians and wide-ranging, intensive destruction.” (S/PV.4515, 18 April 2002, p. 3)</p> <p>“In defiance of international law, international humanitarian law and Security Council resolutions, Israel, the occupying Power, continues to commit human rights violations, war crimes and State terrorism against the Palestinian people in the Occupied Palestinian Territory, including Jerusalem.” (A/ES-10/194, S/2002/1052, Letters of 20 September 2002 from the Permanent Observer of Palestine to the UN, p. 1)</p> <p>“After those events [### occupation by the IDF of the compound of Yasser Arafat in the city of Ramallah ###], the population of Ramallah and of many other Palestinian cities defied the curfew imposed upon them and took to the streets to express their rejection of the new Israeli criminal aggression. The reaction of the Israeli occupying forces was typical: they fired directly on the demonstrators, resulting in the martyrdom of five civilians and the injury of scores of others. Clearly, there is no limit to the crimes committed by Mr. Sharon, by his Government and by his army in the series of war crimes and acts of State terrorism committed against the Palestinian people.” (S/PV.4614, 23 September 2002, p. 5)</p> <p>“For our part, our position has been clear. We condemn these bombings against civilians in Israel. We condemn them as acts of terrorism that are harmful to the Palestinian national interests. In any case they are being committed by groups that oppose the peace process and the accords signed between the two sides.” (S/PV.4614, 23 September 2002, p. 6)</p> <p>“Our people will not give up in the face of war criminals. We will not give up our right to the establishment of an independent Palestinian State with holy Jerusalem as its capital. We will not give up the dream of a just and comprehensive peace in the region.” (S/PV.4510, 08 April 2002, p. 4)</p>
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
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6. UNSC Reaction	2 disapproves	### While S/Res/1322 (See Israel 6) rather focusses on Israel (“especially the excessive use of force against Palestinians”, “Calls upon Israel, the occupying Power, to [...]”), it also includes general elements that indicate disapproval (“Deplores the provocation carried out at Al-Haram Al-Sharif”). It remains unclear whether this refers to Israeli or also Palestine provocations: “ Condemns acts of violence ”. In S/Res/1402 (see Israel 6) ### the UNSC, by “Expressing its grave concern at the further deterioration of the situation, including the recent suicide bombings in Israel” referred explicitly to the Palestinians ###
7. UNGA Reaction	2 disapproves	### Like the UNSC, the UNGA, even if focusing on Israel, condemned acts of violence from both sides . See Israel 7 ###
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	### Several States held that Israel carried primary responsibility for the outbreak of the Al Aqsa Intifada. However, this does not amount to approval of Palestinian terror acts. For material see Israel 9. ###

58. Invasion of Afghanistan 2001

Key data

Duration: 7.10.2001 – 22.12.2001; Parties: Australia, Canada, France, United Kingdom, United States vs. Afghanistan; Initiator: United Kingdom, United States.

2 United States of America

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2. Source of law	Contestation about					Material
		3 facts	4 interpretation	5. exceptional circumstances	6. abstr. gen. level	7 validity	
1 self-defence	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	“In accordance with Article 51 of the Charter of the United Nations, I wish, on behalf of my Government, to report that the United States of America, together with other States, has initiated actions in the exercise of its inherent right of individual and collective self-defence following the armed attacks that were carried out against the United States on 11 September 2001. On 11 September 2001, the United States was the victim of massive and brutal attacks in

						<p>the states of New York, Pennsylvania and Virginia. These attacks were specifically designed to maximize the loss of life; they resulted in the death of more than 5,000 persons, including nationals of 81 countries, as well as the destruction of four civilian aircraft, the World Trade Center towers and a section of the Pentagon. Since 11 September, my Government has obtained clear and compelling information that the Al-Qaeda organization, which is supported by the Taliban regime in Afghanistan, had a central role in the attacks. (...) The attacks on 11 September 2001 and the ongoing threat to the United States and its nationals posed by the Al-Qaeda organization have been made possible by the decision of the Taliban regime to allow the parts of Afghanistan that it controls to be used by this organization as a base of operation. Despite every effort by the United States and the international community, the Taliban regime has refused to change its policy. From the territory of Afghanistan, the Al-Qaeda organization continues to train and support agents of terror who attack innocent people throughout the world and target United States nationals and interests in the United States and abroad. In response to these attacks, and in accordance with the inherent right of individual and collective self-defence, United States armed forces have initiated actions designed to prevent and deter further attacks on the United States. These actions include measures against Al-Qaeda terrorist training camps and military installations of the Taliban regime in Afghanistan.” (S/2001/946, Letter of 7 October 2001 from the US Permanent Representative to the UN to the President of the UNSC)</p>
Letter sent in accordance to Art. 51 UNCh	1 yes	S/2001/946, Letter of 7 October 2001 from the US Permanent Representative to the UN to the President of the UNSC				

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	3 unclear	<p>UNSC Res 1368, 12 September 2001: “Recognizing the inherent right of individual or collective self-defence in accordance with the Charter, 1. Unequivocally condemns in the strongest terms the horrifying terrorist attacks which took place on 11 September 2001 in New York, Washington, D.C. and Pennsylvania and regards such acts, like any act of international terrorism, as a threat to international peace and security; 5. Expresses its readiness to take all necessary steps to respond to the terrorist attacks of 11 September 2001, and to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations;”</p> <p>UNSC Res 1373, 28 September 2001: “Reaffirming the inherent right of individual or collective self-defence as recognized by the Charter of the United Nations as reiterated in resolution 1368 (2001), Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts, Acting under Chapter VII of the Charter of the United Nations, 5. Declares that acts, methods, and practices of terrorism are contrary to the purposes and principles of the United Nations and that knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations;”</p> <p>UNSC Res 1386, 20 December 2001: “Determining that the situation in Afghanistan still constitutes a threat to international peace and security, Acting for these reasons under Chapter VII of the Charter of the United Nations, 1. Authorizes, as envisaged in Annex 1 to the Bonn Agreement, the establishment for 6 months of an International Security Assistance Force to assist the Afghan Interim Authority in the maintenance of security in Kabul and its surrounding areas, so that the Afghan Interim Authority as well as the personnel of the United Nations can operate in a secure environment;”</p> <p>UNSC Res 1510, 13 October 2003: “Calls upon the International Security Assistance Force to continue to work in close consultation with the Afghan Transitional Authority and its successors and the Special Representative of the Secretary-General as well as with the Operation Enduring Freedom Coalition in the implementation of the force mandate, and to report to the Security Council on the implementation of the measures set out in paragraph 1;”</p>
7. UNGA Reaction	3 unclear	<p>UNGA/Res/56/1: “3. Urgently calls for international cooperation to bring to justice the perpetrators, organizers and sponsors of the outrages of 11 September 2001;”</p>

		### The UNGA never expressly supported the self-defense claim by the USA. The resolutions passed on the topic were rather calling upon an international action and general combat of terrorism, see UNGA Res 56/88; UNGA Res 56-288 ###
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<p>NATO: “The Council agreed that if it is determined that this attack was directed from abroad against the United States, it shall be regarded as an action covered by Article 5 of the Washington Treaty, which states that an armed attack against one or more of the Allies in Europe or North America shall be considered an attack against them all.” (NATO Council, NATO Press Release 124 (12. September 2001))</p> <p>Organization of American States: “RESOLVES: 1. That the measures being applied by the United States of America and other states in the exercise of their inherent right of individual and collective self-defense have the full support of the states parties to the Rio Treaty. “ (Organization of American States, Ministers of Foreign Affairs, Resolution RC.24/Res.1/01’ (16 October 2001), quoted from Ruys, ‘Armed Attack’ and Article 51 of the UN Charter: Evolutions in customary law and practice, 2010)</p> <p>European Union: “On the basis of Security Council Resolution 1368, a riposte by the US is legitimate. The Member States of the Union are prepared to undertake such actions, each according to its means.” (European Council, 21 September 2001, Conclusions And Plan Of Action Of The Extraordinary European Council Meeting On 21 September 2001)</p> <p>Morocco: “Needless to say, exceptions to the non-use of force apply in the case of a country defending itself against an act of aggression or an armed attack or when action is authorized by the Security Council under its primary responsibility for the maintenance of international peace and security. However, even recourse to the legitimate use of force must be adapted to the objective sought, be it self-defence, the pursuit and prosecution of criminals, or the restoration of international peace and security under a Security Council resolution. This is why any retaliation must not be excessive and must avoid further endangerment of innocent lives.” (, A/56/PV.13, p. 5)</p> <p>Israel: “Certain regimes in the Middle East and elsewhere have granted terrorists safe harbour, supplied them with weapons and training grounds and provided the financial backing for the perpetration of thousands of attacks on innocent civilians. Through their support, both active and tacit, these regimes have declared themselves the allies of terrorism and bear no less responsibility than the terrorists themselves.” (A/56/PV.19, p. 21)</p>

200 United Kingdom

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	<p>“In accordance with Article 51 of the Charter of the United Nations, I wish on behalf of my Government to report that the United Kingdom of Great Britain and Northern Ireland has military assets engaged in operations against targets that we know to be involved in the operation of terror against the United States of America, the United Kingdom and other countries around the world, as part of a wider international effort. These forces have now been employed in exercise of the inherent right of individual and collective self-defence, recognized in Article 51, following the terrorist outrage of 11 September, to avert the continuing threat of attacks from the same source. My Government presented information to the United Kingdom Parliament on 4 October which showed that Usama Bin Laden and his Al-Qaeda terrorist organization have the capability to execute major terrorist attacks, claimed credit for past attacks on United States targets, and have been engaged in a concerted campaign against the United States and its allies. One of their stated aims is the murder of United States citizens and attacks on the allies of the United States. This military action has been carefully planned, and is directed against Usama Bin Laden’s Al-Qaeda terrorist organization and the Taliban regime that is supporting it. Targets have been selected with extreme care to minimize the risk to civilians.” (S/2001/947, Letter of 7 October 2001 by the United Kingdom)</p>

Letter sent in accordance with Art. 51 UNCh	1 yes S/2001/947, Letter of 7 October 2001 by the United Kingdom
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<i>see United States 6</i>
7. UNGA Reaction	3 unclear	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see United States 9</i>

900 Australia

	Code
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Law invoked?	1 Yes
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence (collective)	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	<p>“In accordance with Article 51 of the Charter of the United Nations, I am writing on behalf of my Government to report to the Security Council that Australia has taken measures in the exercise of the inherent right of individual and collective self-defence following the armed attacks against the United States of America on 11 September 2001. As you are aware, Australia has strongly condemned those responsible for the September terrorist attacks. There were 22 Australians among the thousands who lost their lives as a result of the attacks. Australia regards the catastrophic loss of life, injury and destruction endured by the international community as utterly repugnant and inhumane. The United Nations has a critical role to play in ensuring that all Member States cooperate in taking the necessary steps to combat international terrorism. We fully support Security Council resolutions 1368 (2001) of 12 September 2001 and 1373 (2001) of 28 September 2001, which affirm the inherent right of individual and collective self-defence and call upon all States to work together urgently to bring to justice the perpetrators, organizers and sponsors of these appalling acts of violence. To that end, Australia, in consultation with the United States, decided on 14 September 2001 that the Security Treaty between Australia, New Zealand and the United States (ANZUS Treaty), a mutual defence pact done on 1 September 1951, applied to the present situation. The Australian response relies upon this treaty, as well as Article 51 of the Charter of the United Nations.” (S/2001/1104, Letter of 23 November 2001)</p>
Letter sent in accordance to Art. 51 UNCh	1 yes S/2001/1104, Letter of 23 November 2001						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<i>see United States 6</i>
7. UNGA Reaction	3 unclear	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see United States 9</i>

20 Canada

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence (collective)	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	<p>“In accordance with Article 51 of the Charter of the United Nations, I wish on behalf of my Government to report to the Security Council on measures that Canada has initiated following the armed attacks in the United States on 11 September 2001. Those attacks, which were the subject of Security Council resolutions 1368 (2001) of 12 September 2001 and 1373 (2001) of 28 September 2001, resulted in the deaths of thousands of citizens from many countries, including Canada.</p> <p>As announced by Canada’s Prime Minister, the Right Honourable Jean Chrétien, on 7 October 2001, Canada is deploying naval ships, surveillance and transport airplanes, military personnel and other assets. Our actions are directed against Osama bin Laden’s al-Qa’ida terrorist organization and the Taliban regime that is supporting it. Canada’s actions are not directed against the Afghan population or against Islam. Canada is taking these measures in exercise of the inherent right of individual and collective self-defence, in accordance with Article 51 of the Charter of the United Nations. This is further to the notification by the Secretary-General of the North Atlantic Treaty Organization (NATO) to the Secretary-General of the United Nations on the invocation by NATO of article 5 of the North Atlantic Treaty.” (S/2001/1005, Letter of 24 October 2001 by Ambassador Duval)</p>
Letter sent in accordance with Art. 51 UNCh	1 yes S/2001/1005, Letter of 24 October 2001 by Ambassador Duval						
4. Invocation of use of force by a victim state	.1 Source						Material

0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<i>see United States 6</i>
7. UNGA Reaction	3 unclear	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see United States 9</i>

220 France

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2 2 2 2 2	Contestation about	Material
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		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 collective self-defence	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	<p>“On instructions from my Government, following the terrorist attacks perpetrated in the United States of America on 11 September 2001, I have the honour to inform you that, in accordance with the exercise of the inherent right of individual or collective self-defence (Article 51 of the Charter), referred to in Security Council resolution 1368 (2001), and in response to the encouragement addressed to Member States by the Council in paragraph 5 of its resolution 1378 (2001), France has undertaken action involving the participation of military air, land and naval forces.” (S/2001/1103, Letter of 23 November 2001 by France)</p> <p>“On the evening of Friday, 28 September, the Security Council unanimously adopted resolution 1373 (2001), a resolution that will stand out in history. By virtue of its global and binding nature, this resolution traces the new and ambitious path to which the Council has resolutely committed itself in order to contribute to eradicating acts that constitute a threat to international peace and security, such as those of 11 September. In accordance with the responsibilities and prerogatives conferred on it under the Charter, it is now up to the Security Council to take the necessary measures to ensure respect for the obligations spelled out in the resolution. To this end, and to underscore its determination to act, the Council has provided itself with a follow-up mechanism to ensure compliance by all States with the measures that have been decided, particularly with regard to acting against the financing of terrorism. The Security Council is thus emphasizing its resolve for sustained action.” (A/56/PV.13, Statement by France, pp. 21-22)</p>
Letter sent in accordance with Art. 51 UNCh	1 yes S/2001/1103, Letter of 23 November 2001 by France						
4. Invocation of use of force by a victim state	.1 Source	Material					

0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<i>see United States 6</i>
7. UNGA Reaction	3 unclear	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see United States 9</i>

700 Afghanistan

	Code
Law invoked?	2 No

1.1 Justificatory Claim	3 3 3 3 3	Contestation about	Material
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		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>„Die Taliban verurteilten die amerikanischen Angriffe als "terroristischen Akt". Dies sei ein Angriff auf ein unschuldiges Land, sagte der Botschafter der Taliban in Pakistan, Abdul Salam Saif. Der afghanischen Nachrichtenagentur AIP sagte Saif, die Taliban hätten sich intensiv um eine Lösung des Problems Usama Bin Ladin bemüht, aber Amerika habe den "Weg der Gewalt und der Arroganz" gewählt. "Wir können Bin Ladin niemals an die Vereinigten Staaten ausliefern. Wir werden bis zum letzten Atemzug kämpfen", fügte er hinzu. Die Vereinigten Staaten trügen die Verantwortung, wenn unschuldige Afghanen ums Leben kämen, sagte Saif. Der ehemalige afghanische König Zahir Schah zeigte sich in seinem Exil in Rom nach Angaben seines Sprechers "schockiert und traurig" über die Angriffe.“ ("Militärschlag gegen Afghanistan", Frankfurter Allgemeine Zeitung, 8.10.2001, p.1, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FR1200110081108066 (accessed on 2 September 2022))</p> <p>„Die von Usama Bin Ladin geführte mutmaßliche Terrororganisation Al Qaida hat Amerika angedroht, daß "der Sturm der (entführten) Flugzeuge, so Gott will, nicht enden", werde. Sie hat außerdem die Attentäter vom 11. September dafür gelobt, daß sie den "Kampf in das Herz Amerikas getragen" hätten. Mit der "Invasion" in Afghanistan habe Amerika eine "neue Seite der Feindschaft" mit der muslimischen Welt aufgeschlagen, sagte Al-Qaida-Sprecher Sulaiman Bu Ghaith dem arabischen Nachrichtensender Al Dschazira, der als einziges ausländisches Medium noch einen Korrespondenten und ein Kamerateam in Kabul unterhält. Der Kampf mit den Flugzeugen über amerikanischem Boden werde weitergehen, bis Amerika "muslimisches Land verlassen, die Unterstützung Israels beendet und die ungerechten Sanktionen gegen den Irak aufgehoben hat". Ghaith sprach weiter von einem "Terror gegen die Unterdrücker". Tausende junge Muslime seien bereit, in den Kampf zu ziehen und ihr Leben zu opfern.“ ("Al Qaida: Der Sturm der Flugzeuge wird nicht enden", Frankfurter Allgemeine Zeitung, 11.10.2001, p.2, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FD3200110111112593 (accessed on 2 September 2022))</p> <p>"I am considering two promises. One is the promise of God, the other is that of Bush. The promise of God is that my land is vast. If you start a journey on God's path, you can reside anywhere on this earth and will be protected... The promise of Bush is that there is no place on</p>

						<p>earth where you can hide that I cannot find you. We will see which one of these two promises is fulfilled. (...) America controls the governments of the Islamic countries. The people ask to follow Islam, but the governments do not listen because they are in the grip of the United States. If someone follows the path of Islam, the government arrests him, tortures him or kills him. This is the doing of America. If it stops supporting those governments and lets the people deal with them, then such things won't happen. America has created the evil that is attacking it. The evil will not disappear even if I die and Osama dies and others die. The US should step back and review its policy. It should stop trying to impose its empire on the rest of the world, especially on Islamic countries." (Mullah Omar, Taliban leader, interview with the Voice of America in: The Guardian, 26 September 2001, https://www.theguardian.com/world/2001/sep/26/afghanistan.features11 (accessed on 2 September 2022))</p> <p><i>### Responding to the question, whether they would hand Bin-Laden over:</i></p> <p>"No. We cannot do that. If we did, it means we are not Muslims... that Islam is finished. If we were afraid of attack, we could have surrendered him the last time we were threatened and attacked. So America can hit us again, and this time we don't even have a friend." (Mullah Omar, Taliban leader, interview with the Voice of America in: The Guardian, 26 September 2001, https://www.theguardian.com/world/2001/sep/26/afghanistan.features11 (accessed on 2 September 2022))</p> <p>"§1 Here is America struck by God Almighty in one of its vital organs, so that its greatest buildings are destroyed. Grace and gratitude to God. America has been filled with horror from north to south and east to west, and thanks be to God. What America is tasting now is only a copy of what we have tasted. §2 Our Islamic nation has been tasting the same for more than 80 years of humiliation and disgrace, its sons killed and their blood spilled, its sanctities desecrated. §3 God has blessed a group of vanguard Muslims, the forefront of Islam, to destroy America. May God bless them and allot them a supreme place in heaven, for he is the only one capable and entitled to do so. When those have stood in defense of their weak children, their brothers and sisters in Palestine and other Muslim nations, the whole world went into an uproar, the infidels followed by the hypocrites. §4 A million innocent children are dying at this time as we speak, killed in Iraq without any guilt. We hear no denunciation, we hear no edict from the hereditary rulers. In these days, Israeli tanks rampage across Palestine, in Ramallah, Rafah and Beit Jala and many other parts of the land of Islam [dar al-Islam], and we do not hear anyone raising his voice or reacting. But when the sword fell upon America after 80 years, hypocrisy raised its head up high bemoaning those killers who toyed with the blood, honor and sanctities of Muslims. §5 The least that can be said about those hypocrites is that they are apostates who followed the wrong path.</p>
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							<p>They backed the butcher against the victim, the oppressor against the innocent child. I seek refuge in God against them and ask him to let us see them in what they deserve. §6 I say that the matter is very clear. Every Muslim, after this event, after the senior officials in the United States of America starting with the head of international infidels. Bush and his staff who went on a display of vanity with their men and horses, those who turned even the countries that believe in Islam against us—the group that resorted to God, the Almighty, the group that refuses to be subdued in its religion. §7 They have been telling the world falsehoods that they are fighting terrorism. In a nation at the far end of the world, Japan, hundreds of thousands, young and old, were killed and this is not a world crime. To them it is not a clear issue. A million children in Iraq, to them this is not a clear issue. §8 But when a few more than 10 were killed in Nairobi and Dar es Salaam, Afghanistan and Iraq were bombed and hypocrisy stood behind the head of international infidels: the modern world's symbol of paganism, America, and its allies. §9 I tell them that these events have divided the world into two camps, the camp of the faithful and the camp of infidels. May God shield us and you from them. §10 Every Muslim must rise to defend his religion. The wind of faith is blowing and the wind of change is blowing to remove evil from the Peninsula of Muhammad, peace be upon him. §11 As to America, I say to it and its people a few words: I swear to God that America will not live in peace before peace reigns in Palestine, and before all the army of infidels depart the land of Muhammad, peace be upon him. §12 God is the greatest and glory be to Islam.” (Osama bin Laden, Videotaped Address, October 7, 2001, https://www.press.uchicago.edu/Misc/Chicago/481921texts.html (accessed on 2 September 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	### Afghanistan did not invoke international law against the US-led invasion ###

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<i>see United States 6</i>
7. UNGA Reaction	3 unclear	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	

59. Afghan Resistance 2001-2021

Key data

Duration: 23.12.2001 – 31.08.2021; Parties: Afghanistan, Australia, Canada, France, Germany, United Kingdom, United States vs. al-Qaida, the Taliban; Initiator: Afghanistan, Australia, Canada, France, Germany, United Kingdom, United States.

al-Qaida

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### No international legal arguments raised by al-Qaida ###</p> <p>“the Jordanian journalist writes, ‘I interviewed a whole range of al-Qaida members with different ideologies to get an idea of how the war between the terrorists and Washington would develop in the future.’: (...) In seven phases the terror network hopes to establish an Islamic caliphate which the West will then be too weak to fight. (...) Hussein says the terrorists hope to make the western conspiracy aware of the ‘Islamic community.’ Hussein believes this is a phase in which al-Qaida wants an organization to develop into a movement. The network is banking on</p>

						<p>recruiting young men during this period. Iraq should become the center for all global operations, with an "army" set up there and bases established in other Arabic states.</p> <p>Hussein writes that al-Qaida will aim to bring about the collapse of the hated Arabic governments. The estimate is that 'the creeping loss of the regimes' power will lead to a steady growth in strength within al-Qaida." ("Musharbash, The Future of Terrorism - What al-Qaida really wants", Der Spiegel, 08.12.2005, https://www.spiegel.de/international/the-future-of-terrorism-what-al-qaida-really-wants-a-369448.html (accessed on 3 September 2022))</p> <p>„Es sei nur eine Frage der Zeit, bis die Amerikaner im Irak und in Afghanistan besiegt seien, sagte der ägyptische Arzt Zawahiri, der seit 1985 an der Seite Bin Ladins kämpft. Im Irak wie in Afghanistan seine die Amerikaner zwischen zwei Feuer geraten: ‚Bleiben sie, werden sie verbluten, gehen sie, verlieren sie alles.‘“ ("Bleiben sie, werden sie verbluten", Frankfurter Allgemeine Zeitung, 11.09.2004, p. 7, https://www.faz.net/aktuell/politik/ausland/videobotschaft-bleiben-sie-werden-sie-verbluten-1178560.html (accessed on 3 September 2022)).</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	2 disapproves	<p>UNSC Res 1390, 16 January 2002: “Condemning the Al-Qaida network and other associated terrorist groups, for the multiple criminal, terrorist acts, aimed at causing the deaths of numerous innocent civilians, and the destruction of property, <i>Reaffirming</i>, further that acts of international terrorism constitute a threat to international peace and security [...] Acting under Chapter VII of the Charter of the United Nations, Decides that all States shall take the following measures with respect to Usama bin Laden, members of the Al-Qaida organization and the Taliban [...] Freeze without delay the funds and other financial assets or economic resources [...] Prevent the entry into or the transit through their territories [...] Prevent the direct or indirect supply, sale and transfer [...]”</p> <p>UNSC Res 1589, 24 March 2005: “12. Calls upon the Government of Afghanistan, with the assistance of the international community, including the Operation Enduring Freedom coalition and the International Security Assistance Force, in accordance with their respective designated responsibilities as they evolve, to continue to address the threat to the security and stability of Afghanistan posed by Al-Qaida operatives, the Taliban and other extremist groups, factional violence among militia forces and criminal activities, in particular violence involving the drug trade”</p> <p>UNSC Res 1707, 12 September 2006: “Expressing its concern about the security situation in Afghanistan, in particular the increased violent and terrorist activity by the Taliban, Al-Qaida, illegally armed groups and those involved in the narcotics trade, which has resulted in increased Afghan civilian casualties, (...)”</p> <p>UNSC Res 1746, 23 March 2007: “Reiterating its concern about the security situation in Afghanistan, in particular the increased violent and terrorist activities by the Taliban, Al-Qaida, illegally armed groups and those involved in the narcotics trade, and the links between terrorism activities and illicit drugs, resulting in threats to the local population, national security forces and international military and civilian personnel, and stressing the importance of the security and safety of the United Nations and associated personnel, (...)”</p> <p>UNSC Res 1868, 23 March 2009: “Recognizing the increased threats posed by the Taliban, Al-Qaida and other extremist groups as well as the challenges related to the efforts to address such threats, (...)”</p>

		UNSC Res 1890, 8 October 2009: "Expressing also its concern over the harmful consequences of violent and terrorist activities by the Taliban, Al-Qaida and other extremist groups on the capacity of the Afghan Government to guarantee the rule of law, to provide security and basic services to the Afghan people, and to ensure the full enjoyment of their human rights and fundamental freedoms; Recognizing the increased threats posed by the Taliban, Al-Qaida and other extremist groups as well as the challenges related to the efforts to address such threats, (...)"
7. UNGA Reaction	2 disapproves	UNGA Res 59/112, 15 February 2005: "Noting that, despite improvements in building the security sector, terrorist attacks caused by Al-Qaida operatives , the Taliban and other extremist groups and the lack of security caused by factional violence and criminal activity, including the illicit production of and trafficking in drugs, still remain a serious challenge, threatening the democratic process as well as reconstruction and economic development, (...)" UNGA Res 61/18, 29 November 2006: "5. Calls upon the Government of Afghanistan, with the assistance of the international community, including through the Operation Enduring Freedom coalition and the Assistance Force, in accordance with their respective designated responsibilities, to continue to address the threat to the security and stability of Afghanistan posed by the Taliban, Al-Qaida and other extremist groups as well as by criminal violence, in particular violence involving the drug trade; (...)"
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	### States are disapproving al-Qaeda's actions: States are naming al-Qaeda a "terrorist group", and furthermore the death of al-Qaeda leader Osama bin Laden in 2011 was commented positively. For further State reaction, see the other conflict parties and State reactions to their actions ### G8 members: "G8 members have played leading roles in the global campaign against terrorism, including military action against Al Qaeda and the Taliban and efforts to create the conditions for stability and democracy to take root in Afghanistan. G8 members have succeeded in destroying major parts of the Al Qaeda and the Taliban infrastructure, have denied ground to the terrorists and have destroyed extensive quantities of explosives, arms and ammunition . In addition, those countries involved in the International Security Assistance Force (ISAF) have made a highly significant contribution to the maintenance of peace and stability in and around Kabul ." (G8 counter-terrorism cooperation since September 11 backgrounder, G8 Statement, Kananaskis summit, 28 September 2002, https://web.archive.org/web/20060721202419/http://www.g8.fr/evian/english/navigation/g8_documents/archives_from_previous_summits/kananaskis_summit_-_2002/g8_counter-terrorism_cooperation_since_september_11th_backgrounder.html (accessed on 3 September 2022)) ### International Reaction to the death of al-Qaeda leader Osama bin Laden in 2011:

	<p>“President Obama's predecessor George W. Bush congratulated the man who succeeded him in office and called the death of bin Laden a ‘victory for America’. In London, British Prime Minister David Cameron said the news would bring ‘great relief to people across the world’. Israel and India joined the congratulated, with India suggesting however that the fact that bin Laden had been hiding in Pakistan showed the country was in fact a ‘sanctuary’ for his organisation. In leading European capitals, the operation brought praise. Italy called it a ‘victory of good over evil’, Germany ‘good news for all free-thinking men’ and France a ‘victory for all democracies.’ But the countries all also warned about the need for vigilance in the face of possible retaliatory attacks by bin Laden supporters.” (Death of Bin Laden: Live report, Agence France-Press, May 2, 2011, https://web.archive.org/web/20130131013904/https://www.google.com/hostednews/afp/article/ALeqM5h0B4t5TOkA9TuIK0IK4JYjRG8UqA?docId=CNG.f6de33d85ff1350769dec913bc2a4047.01 (accessed on 3 September 2022))</p> <p>United States: „Der amerikanische Präsident Bush hat am Dienstag in New York vor den Vereinten Nationen gesagt, das Engagement im Irak und in Afghanistan werde fortgesetzt. [...] Beide Länder seine die ‚neusten Demokratien‘ in der Weltgemeinschaft. Sie sollten als Modellfälle für die Nahost-Region angesehen werden. Terroristische Organisationen, besonders Al Qaida, kämpften gegen diese Entwicklung, weil sie deren Modellcharakter erkannten. Die Terroristen müssten in den Ländern, in denen sie aufträten, bekämpft werden, damit dieser Kampf nicht im eigenen Land zu führen sei. Bush sagte, wenn es um Freiheit und Gerechtigkeit gehe, so gebe es keinen Kampf der Kulturen. [...] Bush sprach weiter von ‚großen Möglichkeiten‘, Gesundheit, Wachstum und Freiheit in der Welt zu mehren. Bush forderte alle ‚zivilisierten Nationen‘ auf, gemeinsam gegen den Terrorismus zu kämpfen.“ (Bush- wir bleiben im Irak und in Afghanistan, FAZ, 22.9.2004, p. 1, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FR1200409222485329 (accessed on 3 September 2022))</p> <p>“The desire and intent of Islamic terrorists, especially al Qaeda, to attack us remains undiminished. Last year, the Director of National Intelligence released a National Intelligence Estimate regarding the threat of terrorism to our homeland. It argued that the capabilities of this loosely affiliated collection of groups continues to improve.” (US Committee on Homeland Security, 110th Congress, 2nd Session, Reassessing the threat: the future of al Qaeda and its implications for homeland security, 30.07.2008, https://www.govinfo.gov/content/pkg/CHRG-110hhr46632/html/CHRG-110hhr46632.htm (accessed on 3 September 2022))</p> <p>Germany: “Al-Qaeda and the so-called Islamic State are two competing Islamist terrorist organisations with global ambitions. But whereas al-Qaeda is becoming increasingly regional in its focus, IS seems to have been seeking to not only establish the caliphate, but to also fight against Western countries since the Paris attacks.” (German Federal Academy for Security Policy, Security Working Paper, No. 9/2016, Al-Qaeda and the Islamic State: Objectives, Threat, Countermeasures)</p> <p>Australia: “There are still significant concentrations of al-Quaida and Taliban in Afghanistan and this means there is more hard work ahead for the Coalition forces in operations aimed at locating and destroying these remaining terrorist groups,’ Senator Hill said.” (Senator the Hon. Robert Hill Leader of the Government in the Senate Minister for Defence, 5.3.2002, MIN 85/02)</p>
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Taliban

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### No international legal arguments raised by the Taliban ###</p> <p>“The Taliban did not advance any international law arguments in response [to the claim of self-defence by the US].” (Byers in Ruys/Corton/Hofer, <i>The Use of Force in International Law: A Case-Based Approach</i>, 2018, p.629)</p> <p>“The Taliban announced that their targets were not only the coalition forces but the Afghan government as well.” (Sarkees/Wayman, <i>Resort to War: 1816 – 2007, 2010</i>, p.329)</p> <p>„‘Wir haben angekündigt, jedes Regierungsmitglied und die Helfer der Ungläubigen zu töten’, sagte ein Sprecher der Gruppe mit dem Namen Muslimische Armee der Taliban. Die gestürzten Taliban wollen Präsident Hamid Karzai entmachten, die Regierungsarmee zerschlagen und die ausländischen Trippen aus dem Land vertreiben.“ (“Taliban enthaupten Soldaten in Afghanistan”, <i>Frankfurter Allgemeine Zeitung</i>, 21.09.2004, p.2, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FD1200409212484135 (accessed on 3 September 2022))</p> <p>“I am considering two promises. One is the promise of God, the other is that of Bush. The promise of God is that my land is vast. If you start a journey on God’s path, you can reside anywhere on this earth and will be protected (...). The promise of Bush is that there is no place on</p>

						<p>earth where you can hid that I cannot find you. We will see which one of these two promises is fulfilled. (...) America controls the governments of the Islamic countries. The people ask to follow Islam, but the governments do not listen because they are in the grip of the United States. If someone follows the path of Islam, the government arrests him, tortures him or kills him. This is the doing of America. If it stops supporting those governments and lets the people deal with them, then such things won't happen. America has created the evil that is attacking it. The evil will not disappear even if I die and Osama dies and others die. The US should step back and review its policy. It should stop trying to impose its empire on the rest of the world, especially on Islamic countries.”</p> <p>[Responding to the question, whether they would hand Bin-Laden over]: “No. We cannot do that. If we did, it means we are not Muslims (...) That Islam is finished. If we were afraid of attack, we could have surrendered him the last time we were threatened and attacked. So America can hit us again, and this time we don't even have a friend.”</p> <p>(Mullah Omar, Leader of the Taliban in: "Mullah Omar- in His Own Words", The Guardian, 26.09.2001, https://www.theguardian.com/world/2001/sep/26/afghanistan.features11 (accessed on 3 September 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	2 disapproves	<p>UNSC Res 1390, 16. January 2002: “Condemning the Taliban for allowing Afghanistan to be used as a base for terrorist training and activities, including the export of terrorism by the Al-Qaida network and other terrorist groups as well as for using foreign mercenaries in hostile actions in the territory of Afghanistan [...]”</p> <p>UNSC Statement by the President of the Security Council, 18 June 2003: “The Council expresses its concern over the increased number of attacks against international and local humanitarian personnel, Coalition forces, the International Security Assistance Force (ISAF) and Afghan Transitional Administration targets by Taliban and other rebel elements. In this regard, the Council condemns in the strongest terms the attack against the ISAF in Kabul on 7 June.”</p> <p>UNSC Res 1589, 24 March 2005: “12. Calls upon the Government of Afghanistan, with the assistance of the international community, including the Operation Enduring Freedom coalition and the International Security Assistance Force, in accordance with their respective designated responsibilities as they evolve, to continue to address the threat to the security and stability of Afghanistan posed by Al-Qaida operatives, the Taliban and other extremist groups, factional violence among militia forces and criminal activities, in particular violence involving the drug trade”</p> <p>UNSC Res 1707, 12 September 2006: “Expressing its concern about the security situation in Afghanistan, in particular the increased violent and terrorist activity by the Taliban, Al-Qaida, illegally armed groups and those involved in the narcotics trade, which has resulted in increased Afghan civilian casualties (...)”</p> <p>UNSC Res 1746, 23 March 2007: “Reiterating its concern about the security situation in Afghanistan, in particular the increased violent and terrorist activities by the Taliban, Al-Qaida, illegally armed groups and those involved in the narcotics trade, and the links between terrorism activities and illicit drugs, resulting in threats to the local population, national security forces and international military and civilian personnel, and stressing the importance of the security and safety of the United Nations and associated personnel, (...)”</p> <p>UNSC Res 1868, 23 March 2009:</p>

		<p>“Recognizing the increased threats posed by the Taliban, Al-Qaida and other extremist groups as well as the challenges related to the efforts to address such threats, (...)”</p> <p>UNSC Statement by the President of the Security Council, 29 October 2009: “The Security Council condemns in the strongest terms the Taliban, who claimed responsibility for the attack and continue to attempt to destabilize the country.”</p> <p>UNSC Res 1890, 8 October 2009: <i>“Expressing also its concern over the harmful consequences of violent and terrorist activities by the Taliban</i>, Al-Qaida and other extremist groups on the capacity of the Afghan Government to guarantee the rule of law, to provide security and basic services to the Afghan people, and to ensure the full enjoyment of their human rights and fundamental freedoms,; Recognizing the increased threats posed by the Taliban, Al-Qaida and other extremist groups as well as the challenges related to the efforts to address such threats, (...)”</p>
7. UNGA Reaction	2 disapproves	<p>UNGA Res 59/112, 15 February 2005: “Noting that, despite improvements in building the security sector, terrorist attacks caused by Al-Qaida operatives, the Taliban and other extremist groups and the lack of security caused by factional violence and criminal activity, including the illicit production of and trafficking in drugs, still remain a serious challenge, threatening the democratic process as well as reconstruction and economic development (...)”</p> <p>UNGA Res 61/18, 29 November 2006: “5. Calls upon the Government of Afghanistan, with the assistance of the international community, including through the Operation Enduring Freedom coalition and the Assistance Force, in accordance with their respective designated responsibilities, to continue to address the threat to the security and stability of Afghanistan posed by the Taliban, Al-Qaida and other extremist groups as well as by criminal violence, in particular violence involving the drug trade; (...)”</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p><i>### States are disapproving the Taliban’s actions. For further State reaction, see the other conflict parties and State reactions to their actions ###</i></p> <p>G8 members: “G8 members have played leading roles in the global campaign against terrorism, including military action against Al Qaeda and the Taliban and efforts to create the conditions for stability and democracy to take root in Afghanistan. G8 members have succeeded in destroying major parts of the Al Qaeda and the Taliban infrastructure, have denied ground to the terrorists and have destroyed extensive quantities of explosives, arms and ammunition. In addition, those countries involved in the International Security Assistance Force (ISAF) have made a highly significant contribution to the maintenance of peace and stability in and around Kabul.” (G8 counter-terrorism cooperation since September 11 backgrounder, G8 Statement, Kananaskis summit, 28 September 2002,</p>

	<p>https://web.archive.org/web/20060721202419/http://www.g8.fr/evian/english/navigation/g8_documents/archives_from_previous_summits/kananaskis_summit_-_2002/g8_counter-terrorism_cooperation_since_september_11th_backgrounder.html (accessed on 3 September 2022))</p> <p>Australia: “There are still significant concentrations of al-Quaida and Taliban in Afghanistan and this means there is more hard work ahead for the Coalition forces in operations aimed at locating and destroying these remaining terrorist groups,’ Senator Hill said.” (Senator the Hon. Robert Hill Leader of the Government in the Senate Minister for Defence, 5.3.2002, MIN 85/02)</p>
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700 Afghanistan

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<i>### Afghanistan did not raise any international justificatory arguments. Compared to the other parties to the conflict, Afghanistan acted only within its own country, which is why its actions do not have any points of contact with international law or cannot be classified as potentially contrary to international law. Therefore, there is no need for a justification on the international level. ###</i>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<p>### The UN Security Council expressed positive views on developments in Afghanistan. However, it did not refer to potential justification arguments from Afghanistan because these were not put forward (see above), but the UNSC referred exclusively to the general development in the country. ###</p> <p>UNSC Res 1386, 20 December 2001: “Determining that the situation in Afghanistan still constitutes a threat to international peace and security, (...)”</p> <p>UNSC Res 1401, 28 March 2002: “Stressing the inalienable right of the Afghan people themselves freely to determine their own political future [...] 1. Endorses the establishment, for an initial period of 12 months from the date of adoption of this resolution, of a United Nations Assistance Mission in Afghanistan (UNAMA).”</p> <p>UNSC Res 1453, 24 December 2002: “Recognizing the Transitional Administration as the sole legitimate Government of Afghanistan [...]”</p> <p>UNSC Res 1536, 26 March 2004:</p>

	<p>“13. Welcomes the development of the new Afghan National Army and Afghan National Police as important steps towards the goal of Afghan security forces providing security and ensuring the rule of law throughout the country [...]”</p> <p>UNSC Res 1589, 24 March 2005: “12. Calls upon the Government of Afghanistan, with the assistance of the international community, including the Operation Enduring Freedom coalition and the International Security Assistance Force, in accordance with their respective designated responsibilities as they evolve, to continue to address the threat to the security and stability of Afghanistan posed by Al-Qaida operatives, the Taliban and other extremist groups, factional violence among militia forces and criminal activities, in particular violence involving the drug trade”</p> <p>UNSC Statement by the President of the Security Council, 23 August 2005: “The Security Council expresses grave concern about the increased attacks by the Taliban, Al-Qaida and other extremist groups in Afghanistan over the past few months. The Council condemns the attempts to disrupt the political process by terrorist acts or other forms of violence in Afghanistan. The Council, in this regard, endorses the effort of the Afghan government, with the support of the International Security Assistance Force (ISAF) and the Operation Enduring Freedom (OEF) coalition, within their respective responsibilities, to improve the safety and stability of the country.”</p> <p>UNSC Res 1662, 23 March 2006: “8. Welcomes the development of the Afghan National Army and Afghan National Police and the ongoing efforts to increase their capabilities as important steps towards the goal of Afghan security forces providing security and ensuring the rule of law throughout the country; and further welcomes in this regard the outcome of the Doha Conference on Border Management on 28 February 2006; (...)”</p> <p>UNSC Res 1974, 22 March 2011: “<i>Welcoming</i> also the agreement reached at the North Atlantic Treaty Organization’s (NATO) Lisbon Summit 2010 between the Government of Afghanistan and countries contributing to the International Security Assistance Force (ISAF) to gradually transfer lead security responsibility in Afghanistan to the Afghan National Security Forces country-wide by the end of 2014, taking note of the Declaration by NATO and the Government of the Islamic Republic of Afghanistan on an enduring partnership signed in Lisbon on 20 November 2010 acknowledging the joint efforts under the Inteqal/Transition process, welcoming the progress made so far in preparing the transition of a first tranche of provinces and municipal areas, and looking forward to the continued implementation of the Transition process, (...)”</p> <p>UNSC Statement by the President of the Security Council, 17 March 2014: “<i>Reiterating support for the Transition (Inteqal) process which will entail the assumption of full responsibility by Afghanistan’s institutions in the security sector</i>, consistent with the London, Kabul, Bonn and Tokyo Conferences and the Lisbon and Chicago Summits, recognizing that transition is not only a security process but also entails the full assumption of Afghan leadership and</p>
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		<p>ownership in governance and development, and affirming that the United Nations support in Afghanistan takes full account of the transition process in Afghanistan, (...)”</p> <p>Joint Declaration S/2020/185, Annex A to UNSC RES 2513, 10 March 2020: “1. Welcomes the significant steps towards ending the war and opening the door to intra-Afghan negotiations enabled by the Joint Declaration between the Islamic Republic of Afghanistan and the United States of America for Bringing Peace to Afghanistan”</p>
7. UNGA Reaction	1 approves	<p>### The UN General Assembly expressed positive views on developments in Afghanistan. However, it did not refer to potential justification arguments from Afghanistan, because these were not put forward (see above), but the UNGA referred exclusively to the general development in the country. ###</p> <p>UNGA Res 58/27, 5 December 2003: “Convinced that the main responsibility for finding a political solution lies with the Afghan people themselves, expressing in this regard its full support for President Karzai and the Afghan Transitional Administration, and reaffirming its continued support for the implementation of the provisions of the agreement reached among various Afghan groups in Bonn, Germany, on 5 December 2001, including the holding of free and fair elections in 2004, (...)”</p> <p>UNGA Res 59/112, 8 December 2004: “Commending the Afghan national army and police, the Assistance Force and the Operation Enduring Freedom coalition for their contributions in improving security conditions, including for the electoral process, in Afghanistan, (...)”</p> <p>UNGA Res 60/32, 30 November 2005: “11. Calls upon the Government of Afghanistan, with the assistance of the international community, including through the Operation Enduring Freedom coalition and the Assistance Force, in accordance with their respective designated responsibilities, to continue to address the threat to the security and stability of Afghanistan posed by Al-Qaida operatives, the Taliban and other terrorist or extremist groups as well as by criminal violence, in particular violence involving the drug trade; (...)”</p> <p>UNGA Res 61/18, 29 November 2006: “2. Strongly condemns the upsurge of violence throughout Afghanistan, in particular in the southern and eastern parts, owing to the increased violent and terrorist activity by the Taliban, Al-Qaida, other extremist groups and those involved in the narcotics trade, which has resulted in increased casualties among Afghan civilians, Afghan National Security Forces, the International Security Assistance Force and the Operation Enduring Freedom coalition, as well as among the personnel of Afghan and international aid agencies and all other humanitarian workers; (...)”</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	

2 United States of America

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### The United States are operating in Afghanistan as part of the International Security Assistance Force (ISAF), which was mandated by the United Security Council under Chapter VII in UNSC Res 1386 (see below). Subsequently, ISAF's mandate was extended in several UNSC resolutions under Chapter VII. Although all statements that cite the Security Council resolutions as a justification are made jointly by the NATO states, they can be attributed to the USA as a NATO member ###</p> <p>“Acting for these reasons under Chapter VII of the Charter of the United Nations, 1.Authorizes, as envisaged in Annex 1 to the Bonn Agreement, the establishment for 6 months of an International Security Assistance Force to assist the Afghan Interim Authority in the maintenance of security in Kabul and its surrounding areas, so that the Afghan Interim Authority as well as the personnel of the United Nations can operate in a secure environment;” (UNSC Res 1386, 20 December 2001)</p> <p>“The Council agreed that if it is determined that this attack [### attack of 11th September 2001 ###] was directed from abroad against the United States, it shall be regarded as an action covered by Article 5 of the Washington Treaty, which states that an armed attack against one or more of the Allies in Europe or North America shall be considered an attack against them all.” (NATO Council, NATO Press Release 124 (12. September 2001))</p>

						<p>“4. NATO member countries have responded to the call of the UN Security Council to assist the Afghan government in restoring security in Kabul and its surroundings. Their forces constitute the backbone of the International Security Assistance Force (ISAF) in Afghanistan. (...) However, the responsibility for providing security and law and order throughout Afghanistan resides with the Afghans themselves.” (NATO, Prague Summit Declaration, issued by the Heads of State and Government participating in the NATO meeting on 21.11.2002)</p> <p>“3. NATO is taking on new operations which meet the common security interests of all Allies. We commend the participation of Allies in the International Security Assistance Force (ISAF) in Kabul, Afghanistan, and the present role of Germany and The Netherlands as lead nations in the mission. From August, NATO will take the leading role by assuming the strategic coordination, command and control of ISAF. ISAF will continue to operate under United Nations mandate. NATO’s enhanced role will strengthen ISAF’s effectiveness and sustainability, and, together with the Provincial Reconstruction Teams being deployed by several Allies and Partners, reinforce the international community’s commitment to building a peaceful and democratic Afghanistan. The decision to use NATO’s assets and capabilities to ensure ISAF’s continuity also demonstrates our readiness to support or lead operations and deploy forces, wherever the Alliance decides, to ensure our common security.” (NATO, Final Communiqué, Ministerial meeting of the North Atlantic Council, 3.6.2003)</p> <p>“NATO remains committed to working together with the Government of Afghanistan and other international organisations to help build a peaceful, stable and democratic Afghanistan. NATO acknowledges the importance of stability and security in Afghanistan to Central and South Asia and the wider international community, and the challenging nature of the security threats facing the Afghan Government. The Afghan Government’s ultimate aim is to take full responsibility for its own security. To achieve this goal, strong and visible international commitment continues to be important to promote stability in Afghanistan, both through the deployment of international military forces and through support for the development of effective Afghan national security and defence institutions.” (NATO - Official text/ Declaration by the North Atlantic Treaty Organisation and the Islamic Republic of Afghanistan , 06-Sep.-2006, https://www.nato.int/cps/en/natohq/official_texts_50575.htm?selectedLocale=en (accessed on 9 September 2022))</p> <p>“We, the Heads of State and Government of the member countries of the North Atlantic Alliance (...) Contributing to peace and stability in Afghanistan is NATO’s key priority. In cooperation with Afghan National Security Forces and in coordination with other international actors, we will continue to support the Afghan authorities in meeting their responsibilities to provide security,</p>
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						<p>stability and reconstruction across Afghanistan through the UN-mandated NATO-led International Security Assistance Force (ISAF), respecting international law and making every effort to avoid harm to the civilian population. We reaffirm the strong solidarity of our Alliance, and pledge to ensure that ISAF has the forces, resources, and flexibility needed to ensure the mission’s continued success. Moreover, the Afghan Government and NATO are working together to develop democratically-controlled defence institutions.” (NATO, Official text/ Riga Summit Declaration, Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Riga on 29 November 2006, 29 November 2006, https://www.nato.int/cps/en/natohq/official_texts_37920.htm?selectedLocale=en (accessed on 9 September 2022))</p> <p>“Our presence in Afghanistan is at the request of the Government of Afghanistan and mandated by the United Nations. Neither we nor our Afghan partners will allow extremists and terrorists such as the Taliban or al-Qaeda, to regain control of Afghanistan or use it as a base for terror that threatens all of our people and has been felt in many of our countries and beyond. “ (NATO, Official text/ ISAF’s Strategic Vision, Declaration by the Heads of State and Government of the Nations contributing to the UN-mandated NATO-led International Security Assistance Force (ISAF) in Afghanistan , 03 April 2008, https://www.nato.int/cps/en/natohq/official_texts_8444.htm?selectedLocale=en (accessed on 9 September 2022))</p> <p>“Together with the rest of the international community, our aim remains that Afghanistan will never again become a safe haven for terrorists who can pose a threat to our security; and that it is able to sustain its own security, governance, and economic and social development, while respecting human rights for all of its citizens, notably those of women and children.” (NATO, Official text/ Warsaw Summit Declaration on Afghanistan issued by the Heads of State and Government of Afghanistan and Allies and their Resolute Support Operational Partners, 09 July 2016, https://www.nato.int/cps/en/natohq/official_texts_133171.htm?selectedLocale=en (accessed on 9 September 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

	Re s o u r c e s	Contestation about	Material
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2.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	2 No	2 No	2 No	2 No	<p>“Our presence in Afghanistan is at the request of the Government of Afghanistan and mandated by the United Nations. Neither we nor our Afghan partners will allow extremists and terrorists such as the Taliban or al-Qaeda, to regain control of Afghanistan or use it as a base for terror that threatens all of our people and has been felt in many of our countries and beyond.” (NATO, Official text/ ISAF’s Strategic Vision, Declaration by the Heads of State and Government of the Nations contributing to the UN-mandated NATO-led International Security Assistance Force (ISAF) in Afghanistan , 03 April 2008, https://www.nato.int/cps/en/natohq/official_texts_8444.htm?selectedLocale=en (accessed on 9 September 2022))</p> <p>“On 26 September 2002, the United States and the new Transitional Authority entered into a ‘status of forces agreement’ covering any US troops not part of ISAF. The agreement provided these forces with immunity from Afghanistan’s criminal and civil jurisdiction with regard to any acts committed as part of their official duties.” (Agreement regarding the status of United States military and civilian personnel of the US Department of Defence present in Afghanistan in connection with cooperative efforts in response to terrorism, humanitarian and civic assistance, military training and exercises, and other activities, quoted from US State Department, Treaties in Force 2010: A List of Treaties and Other International Agreements of the United States in Force on January 1, 2010)</p> <p>“The United States and Afghanistan entered into a new ‘bilateral security agreement’ that continued the immunities provided under the status of forces agreement.” (Security and Defence Cooperation Agreement between the Islamic Republic of Afghanistan and the United States of America, 30 September 2014)</p> <p>“The consent of the Afghan Transitional Authority and later the new Afghan Government - as expressed, inter alia, through the ‘status of forces agreement’ provided a strong, alternative legal basis for Operation Enduring Freedom, even if the United States did not rely on it explicitly.” (Byers in Ruys/Corton/Hofer, The Use of Force in International Law: A Case-Based Approach, 2018, p. 635)</p>

							<p>“The United States were also thinking strategically in choosing not to rely on the new Afghan Government’s consent to Operation Enduring Freedom. For thirteen years, it continued to rely on self-defence, and extended that claim to include a right to prevent the return to power by a group – the Taliban – that had previously harboured terrorists and might do so again. All the while, it obtained a series of UNSC resolutions that, by referring approvingly to Operation Enduring Freedom, could be read as legitimized the self-defence claim.” (Byers in Ruys/Corton/Hofer, <i>The Use of Force in International Law: A Case-Based Approach</i>, 2018, p. 636)</p>
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	4 defense against terrorism	<p>### The United States claimed to act in Afghanistan in order to ensure security in Afghanistan and security for the US citizens in the US. They classified the Taliban and al-Qaeda as a threat to security and peace of the world and were acting because of national and international security concerns. ###</p> <p>“Now that the Taliban are gone and al Qaeda has lost its home base for terrorism, we have entered the second stage of the war on terror - a sustained campaign to deny sanctuary to terrorists who would threaten our citizens from anywhere in the world. (...) In Afghanistan (...) these terrorist fighters are the most committed, the most dangerous, and the least likely to surrender. They are trying to regroup, and we'll stop them. (...) For terrorists fleeing Afghanistan - for any terrorist looking for a base of operations, there must be no refuge, no safe haven. (...) I have set a clear policy in the second stage of the war on terror: America encourages and expects governments everywhere to help remove the terrorist parasites that threaten their own countries and peace of the world.” (President Thanks World Coalition for Anti-Terrorism Efforts, Remarks by the President on the Six-Month Anniversary of the September 11th Attacks, 11.03.2002)</p> <p>“[W]e will continue our counterterrorism mission against the remenants of Al-Qaeda to ensure that Afghanistan is never again used to stage attacks against our homeland” (Defence Secretary Chuck Hagel, US Department of Defense, 'Obama, Hagel Mark</p>

		<p>End of Operation Enduring Freedom, 28 December 2014, https://www.defense.gov/Explore/News/Article/Article/603860/obama-hagel-mark-end-of-operation-enduring-freedom/ (accessed on 9 September 2022))</p> <p>“The United States were also thinking strategically in choosing not to rely on the new Afghan Government’s consent to Operation Enduring Freedom. For thirteen years, it continued to rely on self-defence, and extended that claim to include a right to prevent the return to power by a group – the Taliban – that had previously harboured terrorists and might do so again. All the while, it obtained a series of UNSC resolutions that, by referring approvingly to Operation Enduring Freedom, could be read as legitimized the self-defence claim.” (Byers in Ruys/Corton/Hofer, <i>The Use of Force in International Law: A Case-Based Approach</i>, 2018, p. 636)</p> <p>“The job of defeating and capturing leaders and fighters of Al Qaeda’s terrorism network has not been completed. (...) The main reason America sent troops to Afghanistan was to destroy Al Qaeda, the terrorist organization responsible for the sept. 11 attacks. With thousands of Qaeda fighters still at large, and top leaders like Osama bin Laden unaccounted for, military operations must go on.” (“Unfinished War in Afghanistan”, <i>The New York Times</i>, 05.03.2002, , p. 21, https://www.nytimes.com/2002/03/05/opinion/unfinished-war-in-afghanistan.html, (accessed on 9 September 2022))</p> <p>„Der amerikanische Präsident Bush hat am Dienstag in New York vor den Vereinten Nationen gesagt, das Engagement im Irak und in Afghanistan werde fortgesetzt. [...] Beide Länder seine die ‚neusten Demokratien‘ in der Weltgemeinschaft. Sie sollten als Modellfälle für die Nahost-Region angesehen werden. Terroristische Organisationen, besonders Al Qaida, kämpften gegen diese Entwicklung, weil sie deren Modellcharakter erkannten. Die Terroristen müssten in den Ländern, in denen sie aufträten, bekämpft werden, damit dieser Kampf nicht im eigenen Land zu führen sei. Bush sagte, wenn es um Freiheit und Gerechtigkeit gehe, so gebe es keinen Kampf der Kulturen. [...]“ (“Bush- wir bleiben im Irak und in Afghanistan”, <i>Frankfurter Allgemeine Zeitung</i>, 22.09.2004, p. 1, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FR1200409222485329 (accessed on 9 September 2022))</p>
	7 enforcing a specific political systems	<p>### US claims to fight for freedom, justice, peace and democracy ###</p> <p>„Der amerikanische Präsident Bush hat am Dienstag in New York vor den Vereinten Nationen gesagt, das Engagement im Irak und in Afghanistan werde fortgesetzt. [...] Bush sprach weiter von ‚großen Möglichkeiten‘, Gesundheit, Wachstum und Freiheit in der Welt zu mehren. Bush forderte alle ‚zivilisierten Nationen‘ auf, gemeinsam gegen den Terrorismus zu kämpfen.“ (“Bush- wir bleiben im Irak und in Afghanistan”, <i>Frankfurter Allgemeine Zeitung</i>, 22.09.2004, p. 1, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FR1200409222485329 (accessed on 3 September 2022))</p> <p>“NATO remains committed to working together with the Government of Afghanistan and other international organisations to help build a peaceful, stable and democratic Afghanistan.“ (NATO - Official text/ Declaration by the North Atlantic Treaty Organisation and the Islamic Republic of Afghanistan, 06 September 2006, https://www.nato.int/cps/en/natohq/official_texts_50575.htm?selectedLocale=en (accessed on 9 September 2022))</p>

		<p>“Together with the rest of the international community, our aim remains that Afghanistan will never again become a safe haven for terrorists who can pose a threat to our security; and that it is able to sustain its own security, governance, and economic and social development, while respecting human rights for all of its citizens, notably those of women and children.” (NATO, Official text/ Warsaw Summit Declaration on Afghanistan issued by the Heads of State and Government of Afghanistan and Allies and their Resolute Support Operational Partners, 09 July 2016, https://www.nato.int/cps/en/natohq/official_texts_133171.htm?selectedLocale=en (accessed on 9 September 2022))</p>
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	Code	Material
6. UNSC Reaction	1 approves	<p>### ISAF's mandate was established by the UNSC in Res 1368 and extended in several resolutions. Therefore, the UNSC approves the US' actions. ###</p> <p>UNSC Res 1386, 20 December 2001: “Determining that the situation in Afghanistan still constitutes a threat to international peace and security, Acting for these reasons under Chapter VII of the Charter of the United Nations, 1. Authorizes, as envisaged in Annex 1 to the Bonn Agreement, the establishment for 6 months of an International Security Assistance Force to assist the Afghan Interim Authority in the maintenance of security in Kabul and its surrounding areas, so that the Afghan Interim Authority as well as the personnel of the United Nations can operate in a secure environment;”</p> <p>UNSC Res 1413, 23 May 2002: “1. Decides to extend the authorization, for a period of six months beyond 20 June 2002, of the International Security Assistance Force, as defined in resolution 1386 (2001); 2. Authorizes the Member States participating in the International Security Assistance Force to take all necessary measures to fulfil the mandate of the International Security Assistance Force”</p> <p>UNSC Res 1444, 27 November 2002: 1. Decides to extend the authorization, for a period of one year beyond 20 December 2002, of the International Security Assistance Force, as defined in resolution 1386 (2001);</p> <p>UNSC Res 1510, 13 October 2003: Acting for these reasons under Chapter VII of the Charter of the United Nations: “Calls upon the International Security Assistance Force to continue to work in close consultation with the Afghan Transitional Authority and its successors and the Special Representative of the Secretary-General as well as with the Operation Enduring Freedom Coalition in the implementation of the force mandate, and to report to the Security Council on the implementation of the measures set out in paragraph 1;”</p> <p>UNSC Res 1563, 17 September 2004:</p>

	<p>Acting for these reasons under Chapter VII of the Charter of the United Nations: “<i>Welcoming</i> in this context the commitment by NATO lead nations to establish further Provincial Reconstruction Teams (PRTs), as well as the readiness of the International Security Assistance Force and the Operation Enduring Freedom Coalition to assist in securing the conduct of national elections. <i>Expressing</i> its appreciation [...] to Canada for its leadership of the International Security Assistance Force during the past year and recognizing with gratitude the contributions of many nations to the International Security Assistance Force”</p> <p>UNSC Statement by the President of the Security Council, 23 August 2005: “The Security Council expresses grave concern about the increased attacks by the Taliban, Al-Qaida and other extremist groups in Afghanistan over the past few months. The Council condemns the attempts to disrupt the political process by terrorist acts or other forms of violence in Afghanistan. The Council, in this regard, endorses the effort of the Afghan government, with the support of the International Security Assistance Force (ISAF) and the Operation Enduring Freedom (OEF) coalition, within their respective responsibilities, to improve the safety and stability of the country.”</p> <p>UNSC Res 1623, 13 September 2005: “1. Decides to extend the authorization of the International Security Assistance Force, as defined in resolution 1386 (2001) and 1510 (2003), for a period of twelve months beyond 13 October 2005;”</p> <p>UNSC Res 1659, 15 February 2006: “<i>Recognizing</i> the continuing importance of fighting terrorist and narcotic threats and addressing threats posed by the Taliban, Al-Qaida and other extremist groups, [...] 6. Acknowledges the continuing commitment of NATO to lead the International Security Assistance Force (ISAF), and welcomes the adoption by NATO of a revised Operational Plan allowing the continued expansion of the ISAF across Afghanistan, closer operational synergy with the Operation Enduring Freedom (OEF), and support, within means and capabilities, to Afghan security forces in the military aspects of their training and operational deployments;”</p> <p>UNSC Res 1707, 12 September 2006: “(...) recognizing with gratitude the contributions of the North Atlantic Treaty Organization (NATO) and many nations to ISAF 2. Authorizes the Member States participating in ISAF to take all necessary measures to fulfil its mandate;”</p> <p>UNSC Res 1746, 23 March 2007: “25. Calls upon the Afghan Government, with the assistance of the international community, including the International Security Assistance Force and Operation Enduring Freedom coalition, in accordance with their respective designated responsibilities as they evolve, to continue to address the threat to the security and stability of Afghanistan posed by the Taliban, Al-Qaida, other extremist groups and criminal activities, welcomes the completion of ISAF’s expansion throughout Afghanistan and calls upon all parties to uphold international humanitarian and human rights law and to ensure the protection of civilian life;</p> <p>UNSC Res 1776, 19 September 2007:</p>
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		<p>“Expressing its appreciation for the leadership provided by the North Atlantic Treaty Organization (NATO), and for the contributions of many nations to ISAF and to the OEF coalition, including its maritime interdiction component,</p> <p>2. Authorizes the Member States participating in ISAF to take all necessary measures to fulfil its mandate”</p> <p>UNSC Res 1833, 22 September 2008: “1. Decides to extend the authorization of the International Security Assistance Force, as defined in resolution 1386 (2001) and 1510 (2003), for a period of twelve months beyond 13 October 2008;”</p> <p>UNSC Statement by the President of the Security Council, 17 March 2014: “Reiterating support for the Transition (Inteqal) process which will entail the assumption of full responsibility by Afghanistan’s institutions in the security sector, consistent with the London, Kabul, Bonn and Tokyo Conferences and the Lisbon and Chicago Summits, recognizing that transition is not only a security process but also entails the full assumption of Afghan leadership and ownership in governance and development, and affirming that the United Nations support in Afghanistan takes full account of the transition process in Afghanistan,”</p> <p>UNSC RES 2513, 10 March 2020: “1. Welcomes the significant steps towards ending the war and opening the door to intra-Afghan negotiations enabled by the Joint Declaration between the Islamic Republic of Afghanistan and the United States of America for Bringing Peace to Afghanistan (Joint Declaration) (S/2020/185 and attached as Annex A to this resolution) and the Agreement for Bringing Peace to Afghanistan between the United States of America and the Taliban (Agreement) (S/2020/184 and attached as Annex B to this resolution);”</p>
<p>7. UNGA Reaction</p>	<p>1 approves</p>	<p>UNGA Res 57/113, 19 February 2003: “Reaffirming its condemnation of the use of Afghan territory for terrorist activities and the exporting of international terrorism from Afghanistan, and welcoming the ongoing successful efforts of the Afghan people and the Operation Enduring Freedom coalition to combat terrorism on their territory,”</p> <p>UNGA Res 59/112, 8 December 2004: “Commending the Afghan national army and police, the Assistance Force and the Operation Enduring Freedom coalition for their contributions in improving security conditions, including for the electoral process, in Afghanistan, 6. Calls upon the Government of Afghanistan, with the assistance of the international community, including through the Operation Enduring Freedom coalition and the Assistance Force, in accordance with their respective designated responsibilities, to continue to address the threat to the security and stability of Afghanistan posed by Al-Qaida operatives, the Taliban and other extremist groups, factional violence among militia forces and criminal violence, in particular violence involving the drug trade;”</p> <p>UNGA Res 61/18, 29 November 2006: “5. Calls upon the Government of Afghanistan, with the assistance of the international community, including through the Operation Enduring Freedom coalition and the Assistance Force, in accordance with their respective designated responsibilities,</p>

		to continue to address the threat to the security and stability of Afghanistan posed by the Taliban, Al-Qaida and other extremist groups as well as by criminal violence, in particular violence involving the drug trade;”
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<p>### As by 2002 there were 68 nations included in the US-led coalition (Sarkees/Wayman, <i>Resort to War: 1816 – 2007, 2010</i>, p.330), the state reaction to US’ actions can be considered positive. ###</p> <p>“NATO remains committed to working together with the Government of Afghanistan and other international organisations to help build a peaceful, stable and democratic Afghanistan. NATO acknowledges the importance of stability and security in Afghanistan to Central and South Asia and the wider international community, and the challenging nature of the security threats facing the Afghan Government. The Afghan Government’s ultimate aim is to take full responsibility for its own security. To achieve this goal, strong and visible international commitment continues to be important to promote stability in Afghanistan, both through the deployment of international military forces and through support for the development of effective Afghan national security and defence institutions.” (NATO, Official text/ Declaration by the North Atlantic Treaty Organisation and the Islamic Republic of Afghanistan, 06 September 2006, https://www.nato.int/cps/en/natohq/official_texts_50575.htm?selectedLocale=en (accessed on 9 September 2022))</p> <p>“We, the Heads of State and Government of the member countries of the North Atlantic Alliance (...) Contributing to peace and stability in Afghanistan is NATO’s key priority. In cooperation with Afghan National Security Forces and in coordination with other international actors, we will continue to support the Afghan authorities in meeting their responsibilities to provide security, stability and reconstruction across Afghanistan through the UN-mandated NATO-led International Security Assistance Force (ISAF), respecting international law and making every effort to avoid harm to the civilian population. We reaffirm the strong solidarity of our Alliance, and pledge to ensure that ISAF has the forces, resources, and flexibility needed to ensure the mission’s continued success. Moreover, the Afghan Government and NATO are working together to develop democratically-controlled defence institutions.” (NATO - Official text/ Riga Summit Declaration - Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Riga on 29 November 2006, 29 November 2006, https://www.nato.int/cps/en/natohq/official_texts_37920.htm?selectedLocale=en (accessed on 9 September 2022))</p> <p>“One of the more unusual aspects of the intervention in Afghanistan was that Operation Enduring Freedom continued for thirteen years, without any significant opposition developing to the self-defence claim upon which the United States continued to rely.” (Byers in Ruys/Corton/Hofer, <i>The Use of Force in International Law: A Case-Based Approach</i>, 2018, p. 635)</p>

200 United Kingdom

	Code
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Law invoked?	1 Yes
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### The United Kingdom as part of the NATO is acting as part of the International Security Assistance Force. ISAF's mandate was established by UNSC Res 1386 and extended in several UNSC resolutions.</p> <p>Although all statements that cite the Security Council resolutions as a justification are made jointly by the NATO states, they can be attributed to the UK as a NATO member. ###</p> <p>### For further statements made by NATO-States and regarding UNSC Res 1386 see US 1.1 ###</p> <p>"The UK is providing a number of British military and civilian personnel in support of NATO-led military operations in Afghanistan. The UK contribution, which began in October 2001 following the terrorist attacks on the United States, has helped to bring about the fall of the Taliban regime. This subsequently paved the way for the first ever parliamentary elections in Afghanistan which took place on 18 September 2005. British Forces, under the command of the International Security Assistance Force and along with US and other allies from the international community, continue to work with the new, democratically-elected Afghan Government to build stability and maintain security across the country." (British Ministry of Defense, Operations in Afghanistan: Chronology of Events, September 2001 - December 2002, https://webarchive.nationalarchives.gov.uk/20121110131240/http://www.mod.uk/DefenceInternet/FactSheets/OperationsFactsheets/OperationsInAfghanistanChronologyOfEventsSeptember2001December2002.htm, (accessed on 9 September 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	2 No	2 No	2 No	2 No	<p>### The United Kingdom as part of the NATO is acting under request by Afghanistan ###</p> <p>“Our presence in Afghanistan is at the request of the Government of Afghanistan and mandated by the United Nations. Neither we nor our Afghan partners will allow extremists and terrorists such as the Taliban or al-Qaeda, to regain control of Afghanistan or use it as a base for terror that threatens all of our people and has been felt in many of our countries and beyond.” (NATO, Official text/ ISAF’s Strategic Vision, Declaration by the Heads of State and Government of the Nations contributing to the UN-mandated NATO-led International Security Assistance Force (ISAF) in Afghanistan , 03 April 2008, https://www.nato.int/cps/en/natohq/official_texts_8444.htm?selectedLocale=en (accessed on 9 September 2022))</p>

	Code	Material
5. Legitimacy Claim	7 enforcing specific political system	<p>## #claim to fight for freedom, justice, peace and democracy ###</p> <p>“NATO remains committed to working together with the Government of Afghanistan and other international organisations to help build a peaceful, stable and democratic Afghanistan.” (NATO, Official text/ Declaration by the North Atlantic Treaty Organisation and the Islamic Republic of Afghanistan, 06 September 2006, https://www.nato.int/cps/en/natohq/official_texts_50575.htm?selectedLocale=en (accessed on 9 September 2022))</p>
	4 defence against terrorism	<p>“Together with the rest of the international community, our aim remains that Afghanistan will never again become a safe haven for terrorists who can pose a threat to our security; and that it is able to sustain its own security, governance, and economic and social development, while respecting human rights for all of its citizens, notably those of women and children.” (NATO, Official text/ Warsaw Summit Declaration on Afghanistan issued by the Heads of State and Government of Afghanistan and Allies and their Resolute Support Operational Partners, 09 July 2016, https://www.nato.int/cps/en/natohq/official_texts_133171.htm?selectedLocale=en (accessed on 9 September 2022))</p>

	Code	Material
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6. UNSC Reaction	1 approves	<p>### The UNSC authorized ISAF's mission in Afghanistan (see US 6) and welcomed this mission in general. Moreover, it expressed its appreciation to the UK for participating in ISAF in specific. ###</p> <p>UNSC Res 1707, 12 September 2006: "Expressing its appreciation to the United Kingdom for taking over the lead from Italy in commanding ISAF, and recognizing with gratitude the contributions of the North Atlantic Treaty Organization (NATO) and many nations to ISAF 2. Authorizes the Member States participating in ISAF to take all necessary measures to fulfil its mandate;"</p>
7. UNGA Reaction	1 approves	<i>see United States 7 (for operation enduring freedom in general)</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see United States 9</i>

900 Australia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2 Source of law	Contestation about					Material
		3 facts	4 interpretation	5. exceptional circumstances	6 abstr. gen. level	7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### Australia was a war participant until 2002, however, later in 2002, Australia removed its troops and thus ceased being a war participant (according to the requisite 1000 troops to be considered COW war participant, Sarkees/Wayman, <i>Resort to War: 1816 – 2007</i>, 2010, p.330). Even though it participated in the war from 2001-2014 under Operation Slipper and from 2015 on under Operation Highroad. Thus, the UNSC resolutions can be cited as justification. ###</p> <p>"Australia's military contribution to the conflict in Afghanistan commenced in October 2001 when the first contingent of Special Forces troops departed Australia as part of Operation Slipper. (...) In addition to Australia's commitment to OEF-A [### Operation Enduring Freedom ###], the Australian</p>

						<p>Defence Force (ADF) also provided, and continues to provide, support to the North Atlantic Treaty Organization (NATO)-led International Security Assistance Force (ISAF) operations and activities in Afghanistan. ISAF was established on 20 December 2001 via United Nations Security Council Resolution 1386." (Parliament of Australia, Australia's military involvement in Afghanistan since 2001: a chronology, https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/1011/MilitaryInvolvementAfghanistan#_ftn8 (accessed on 9 September 2022))</p> <p>"Incidents such as this tragic event only serve to reinforce Australia's strong commitment to the coalition against terrorism and our appreciation of American leadership. Our soldiers are fighting side by side in this dangerous and difficult environment and events such as those over the past 24 hours underline the task to which they are committed." (Senator the Hon. Robert Hill Leader of the Government in the Senate Minister for Defence, 5.3.2002, MIN 85/02)</p> <p>"'While we have achieved considerable success on the ground in Afghanistan, the broader war against terrorism will be a long one,' Senator Hill said. 'Australia is in for the long haul. Part of our commitment is ensuring that our defence forces are ready to meet any new challenges that may arise. We need to rest our personnel, maintain our equipment and re-group ready for possible future operations. After careful consideration and in close consultation with the coalition forces leadership, we have decided that from mid-year Australia's military commitment to the coalition against terrorism will continue primarily through our Special Forces, deployment of 707 air-to-air refuellers and the Navy's contribution to the Multinational Interception Taskforce.' (...) 'There are still significant concentrations of al-Qaida and Taliban in Afghanistan and this means there is more hard work ahead for the Coalition forces in operations aimed at locating and destroying these remaining terrorist groups,' Senator Hill said." (Senator the Hon. Robert Hill Leader of the Government in the Senate Minister for Defence, 5.3.2002, MIN 85/02)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
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0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see United States 6 (for operation enduring freedom in general)</i>
7. UNGA Reaction	1 approves	<i>see United States 7 (for operation enduring freedom in general)</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see United States 9</i>

220 France

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	Ⓢ Ⓝ Ⓢ Ⓢ Ⓢ Ⓢ	Contestation about	Material
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		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	### France as part of the NATO is acting as part of the International Security Assistance Force. ISAF's mandate was established by UNSC Res 1386 and extended in several UNSC resolutions. Although all statements that cite the Security Council resolutions as a justification are made jointly by the NATO states, they can be attributed to France as a NATO member. For statements made by NATO-States and regarding UNSC Res 1386 see US 1.1. ###
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

2.1 Justificatory claim	.2 Source of law	Contestation about					.7 validity	Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level			
3 invitation	4 no spec.	2 No	2 No	2 No	2 No	2 No	### France as part of NATO is acting on request by Afghanistan ### “Our presence in Afghanistan is at the request of the Government of Afghanistan and mandated by the United Nations . Neither we nor our Afghan partners will allow extremists and terrorists such as the Taliban or al-Qaeda, to regain control of Afghanistan or use it as a base for terror that threatens all of our people and has been felt in many of our countries and beyond.” (NATO, Official text/ ISAF's Strategic Vision, Declaration by the Heads of State and Government of the Nations contributing to the UN-mandated NATO-led International Security Assistance Force (ISAF) in Afghanistan, 03 April 2008, https://www.nato.int/cps/en/natohq/official_texts_8444.htm?selectedLocale=en (accessed on 9 September 2022))	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable							

	Code	Material
5. Legitimacy Claim	7 enforcing specific political system	### claim to fight for freedom, justice, peace and democracy ### "NATO remains committed to working together with the Government of Afghanistan and other international organisations to help build a peaceful, stable and democratic Afghanistan. " (NATO, Official text/ Declaration by the North Atlantic Treaty Organisation and the Islamic Republic of Afghanistan , 06 September 2006, https://www.nato.int/cps/en/natohq/official_texts_50575.htm?selectedLocale=en (accessed on 9 September 2022))
	4 defence against terrorism	"Together with the rest of the international community, our aim remains that Afghanistan will never again become a safe haven for terrorists who can pose a threat to our security; and that it is able to sustain its own security, governance, and economic and social development, while respecting human rights for all of its citizens, notably those of women and children." (NATO, Official text/ Warsaw Summit Declaration on Afghanistan issued by the Heads of State and Government of Afghanistan and Allies and their Resolute Support Operational Partners, 09 July 2016, https://www.nato.int/cps/en/natohq/official_texts_133171.htm?selectedLocale=en (accessed on 9 September 2022))

	Code	Material
6. UNSC Reaction	1 approves	<i>see United States 6 (for operation enduring freedom in general)</i>
7. UNGA Reaction	1 approves	<i>see United States 7 (for operation enduring freedom in general)</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see United States 9</i>

20 Canada

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2 3 4 5 6 7 8 9	Contestation about	Material

		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### Canada as part of the NATO is acting as part of the International Security Assistance Force. ISAF's mandate was established by UNSC Res 1386 and extended in several UNSC resolutions. Although all statements that cite the Security Council resolutions as a justification are made jointly by the NATO states, they can be attributed to Canada as a NATO member. ###</p> <p>### For statements made by NATO-States and regarding UNSC Res 1386 see US 1.1 ###</p> <p>"Canadian soldiers soon travelled to Afghanistan as well. The first were commandos from the elite Joint Task Force 2 (JTF 2) in December 2001, followed by other Canadian soldiers in January 2002 who were initially based in Kandahar. There they joined American and British troops already fighting to topple the Taliban regime, eliminate terrorist operations and establish the basis for lasting peace in the troubled country. (...) In 2005, the Canadian Armed Forces' role evolved again when they began to shift back to the volatile Kandahar region. While the Taliban government had been toppled, the group remained a strong presence in some areas of the country. Indeed, Canada's return to Kandahar coincided with a resurgence in Taliban activity and our soldiers quickly found themselves the targets of attack." (Government of Canada: Veterans Affairs Canada, The Canadian Armed Forces in Afghanistan, https://www.veterans.gc.ca/eng/remembrance/history/canadian-armed-forces/afghanistan (accessed on 9 September 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	

3 invitation	4 no spec.	2 No	2 No	2 No	2 No	2 No	<p>### Canada as part of NATO is acting on request by Afghanistan ###</p> <p>“Our presence in Afghanistan is at the request of the Government of Afghanistan and mandated by the United Nations. Neither we nor our Afghan partners will allow extremists and terrorists such as the Taliban or al-Qaeda, to regain control of Afghanistan or use it as a base for terror that threatens all of our people and has been felt in many of our countries and beyond.” (NATO, Official text/ ISAF’s Strategic Vision, Declaration by the Heads of State and Government of the Nations contributing to the UN-mandated NATO-led International Security Assistance Force (ISAF) in Afghanistan, 03 April 2008, https://www.nato.int/cps/en/natohq/official_texts_8444.htm?selectedLocale=en (accessed on 9 September 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	7 enforcing specific political system	<p>### claim to fight for freedom, justice, peace and democracy ###</p> <p>“NATO remains committed to working together with the Government of Afghanistan and other international organisations to help build a peaceful, stable and democratic Afghanistan.” (NATO, Official text/ Declaration by the North Atlantic Treaty Organisation and the Islamic Republic of Afghanistan , 06 September 2006, https://www.nato.int/cps/en/natohq/official_texts_50575.htm?selectedLocale=en (accessed on 9 September 2022))</p>
	4 defence against terrorism	<p>“Together with the rest of the international community, our aim remains that Afghanistan will never again become a safe haven for terrorists who can pose a threat to our security; and that it is able to sustain its own security, governance, and economic and</p>

		social development, while respecting human rights for all of its citizens, notably those of women and children.” (NATO, Official text/ Warsaw Summit Declaration on Afghanistan issued by the Heads of State and Government of Afghanistan and Allies and their Resolute Support Operational Partners, 09 July 2016, https://www.nato.int/cps/en/natohq/official_texts_133171.htm?selectedLocale=en (accessed on 9 September 2022))
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	Code	Material
6. UNSC Reaction	1 approves	UNSC Res 1563, 17 September 2004: <i>“Welcoming</i> in this context the commitment by NATO lead nations to establish further Provincial Reconstruction Teams (PRTs), as well as the readiness of the International Security Assistance Force and the Operation Enduring Freedom Coalition to assist in securing the conduct of national elections. <i>Expressing its appreciation</i> [...] to Canada for its leadership of the International Security Assistance Force during the past year and recognizing with gratitude the contributions of many nations to the International Security Assistance Force” <i>### For further reaction by the UNSC regarding ISAF’s mandate see US 6 ###</i>
7. UNGA Reaction	1 approves	<i>see United States 7 (for operation enduring freedom in general)</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see United States 9</i>

255 Germany

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	

2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### In 2002, 3900 German troops joined the coalition, adding Germany as a war participant [according to the requisite 1000 troops to be considered COW war participants] (Sarkees/Wayman, Resort to War: 1816 – 2007, 2010, p.330) ###</p> <p>### Germany as part of the NATO is acting as part of the International Security Assistance Force. ISAF's mandate was established by UNSC Res 1386 and extended in several UNSC resolutions. Although all statements that cite the Security Council resolutions as a justification are made jointly by the NATO states, they can be attributed to Germany as a NATO member. For statements made by NATO-States and regarding UNSC Res 1386 see US 1.1. ###</p> <p>„ Struck [### German minister of defence ###] würdigte die Parlamentswahlen in Afghanistan, die am Sonntag abgehalten worden waren, als einen ‚überzeugenden Beweis für den Fortschritt beim Wiederaufbau‘.(...) Das Mandat, wie es die Bundesregierung als Antrag an den Bundestag beschlossen hat, formuliert, angelehnt an die entsprechende UN-Sicherheitsratsresolution, wie bisher den Auftrag, Afghanistan bei der Aufrechterhaltung der Sicherheit so zu unterstützen, daß sowohl die afghanischen Staatsorgane als auch das Personal der Vereinten Nationen und anderes internationales Zivilpersonal . . . in einem sicheren Umfeld arbeiten können‘.</p> <p>Außerdem sollen Isaf-Kräfte ‚Unterstützung bei der Reform des Sicherheitssektors, einschließlich der Entwaffnung illegaler Milizen‘ leisten, zur ‚zivil-militärischen Zusammenarbeit‘ beitragen und an der Absicherung von Wahlen mitwirken.“ ("Mehr Verantwortung für Bundeswehr in Afghanistan", Frankfurter Allgemeine Zeitung, 22.9.2005, p. 4, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FD220050922377824 (accessed on 9 September 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	2 No	2 No	2 No	2 No	### Germany as part of NATO is acting on request by Afghanistan ###

							<p>“Our presence in Afghanistan is at the request of the Government of Afghanistan and mandated by the United Nations. Neither we nor our Afghan partners will allow extremists and terrorists such as the Taliban or al-Qaeda, to regain control of Afghanistan or use it as a base for terror that threatens all of our people and has been felt in many of our countries and beyond.” (NATO, Official text/ ISAF’s Strategic Vision, Declaration by the Heads of State and Government of the Nations contributing to the UN-mandated NATO-led International Security Assistance Force (ISAF) in Afghanistan, 03 April 2008, https://www.nato.int/cps/en/natohq/official_texts_8444.htm?selectedLocale=en (accessed on 9 September 2022)).</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	7 enforcing a specific political system	<p><i>### claim to fight for freedom, justice, peace and democracy ###</i></p> <p>“NATO remains committed to working together with the Government of Afghanistan and other international organisations to help build a peaceful, stable and democratic Afghanistan.” (NATO, Official text/ Declaration by the North Atlantic Treaty Organisation and the Islamic Republic of Afghanistan, 06 September 2006, https://www.nato.int/cps/en/natohq/official_texts_50575.htm?selectedLocale=en (accessed on 9 September 2022))</p>
	4 defence against terrorism	<p>“Together with the rest of the international community, our aim remains that Afghanistan will never again become a safe haven for terrorists who can pose a threat to our security; and that it is able to sustain its own security, governance, and economic and social development, while respecting human rights for all of its citizens, notably those of women and children. « (NATO,</p>

		Official text/ Warsaw Summit Declaration on Afghanistan issued by the Heads of State and Government of Afghanistan and Allies and their Resolute Support Operational Partners, 09 July 2016, https://www.nato.int/cps/en/natohq/official_texts_133171.htm?selectedLocale=en (accessed on 9 September 2022))
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	Code	Material
6. UNSC Reaction	1 approves	<i>see United States 6 (for operation enduring freedom in general)</i>
7. UNGA Reaction	1 approves	<i>see United States 7 (for operation enduring freedom in general)</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see United States 9</i>

60. Invasion of Iraq 2003

Key data

Duration: 19.3.2003 – 02.5.2003; Parties: Australia, United Kingdom, United States vs. Iraq; Initiator: Australia, United Kingdom, United States.

Other States providing troops to the coalition: Albania, Poland, Romania – however, only US, UK, Australia contributed more than 1,000 troops (Sarkees/Waymann, *Resort to War: 1816 – 2007, 2010*, p 187)

2 United States of America

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	1 Yes	1 Yes	2 No	1 Yes	2 No	<p>“The actions being taken are authorized under existing Council resolutions, including its resolutions 678 (1990) and 687 (1991). Resolution 687 (1991) imposed a series of obligations on Iraq, including, most importantly, extensive disarmament obligations, that were conditions of the ceasefire established under it. It has been long recognized and understood that a material breach of these obligations removes the basis of the ceasefire and revives the</p>

						<p>authority to use force under resolution 678 (1990). This has been the basis for coalition use of force in the past and has been accepted by the Council, as evidenced, for example, by the Secretary-General's public announcement in January 1993 following Iraq's material breach of resolution 687 (1991) that coalition forces had received a mandate from the Council to use force according to resolution 678 (1990). [...] The Government of Iraq decided not to avail itself of its final opportunity under resolution 1441 (2002) and has clearly committed additional violations. In view of Iraq's material breaches, the basis for the ceasefire has been removed and use of force is authorized under resolution 678 (1990)." (S/2003/351, Letter of 21 March 2003 to the UNSC)</p> <p>"The military campaign in Iraq is not a war against the people of Iraq, but rather against a regime that has denied the will of the international community for more than 12 years. [...] The coalition response is legitimate and not unilateral. Resolution 687 (1991) imposed a series of obligations on Iraq that were the conditions of the ceasefire. It has long been recognized and understood that a material breach of those obligations removes the basis of the ceasefire and revives the authority to use force under resolution 678 (1990). Resolution 1441 (2002) explicitly found Iraq in continuing material breach. In view of Iraq's additional material breaches, the basis for the existing ceasefire has been removed and the use of force is authorized under resolution 678 (1990)." (S/PV.4726 (Resumption 1), p. 25)</p> <p>The US Congress, in October 2002, passed a joint resolution authorizing the President to command the use of military force against Iraq ("Iraq Resolution"): "The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to— (1) defend the national security of the United States against the continuing threat posed by Iraq; and (2) enforce all relevant United Nations Security Council resolutions regarding Iraq." (H.J.Res.114, 16 October 2002 (PUBLIC LAW 107-243—16 October 2002, Section 3 (a))</p> <p>"In the case of Iraq, the Security Council did act, in the early 1990s. Under Resolutions 678 and 687 - both still in effect - the United States and our allies are authorized to use force in ridding Iraq of weapons of mass destruction. This is not a question of authority, it is a question of will. [...] On November 8, the Security Council unanimously passed Resolution 1441, finding Iraq in material breach of its obligations, and vowing serious consequences if Iraq did not fully and immediately disarm. Today, no nation can possibly claim that Iraq has disarmed. [...] Many nations, however, do have the resolve and fortitude to act against this threat to peace, and a broad coalition is now gathering to enforce the just demands of the world. The United Nations Security Council has not lived up to its responsibilities, so we will</p>
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						<p>rise to ours. [...] Saddam Hussein and his sons must leave Iraq within 48 hours. Their refusal to do so will result in military conflict, commenced at a time of our choosing “ (George W Bush’s speech on 17 March 2003, quoted in: "Bush's speech", The Guardian, 18.03.2003, https://www.theguardian.com/world/2003/mar/18/usa.iraq (accessed on 01 September 2022))</p> <p><i>### However, the US also stated ###:</i></p> <p>“As we have said on numerous occasions to Council members, this resolution [S/Res/1441, 8 November 2002] contains no ‘hidden triggers’ and no ‘automaticity’ with respect to the use of force. If there is a further Iraqi breach, reported to the Council by UNMOVIC, the IAEA or a Member State, the matter will return to the Council for discussions as required in paragraph 12. The resolution makes clear that any Iraqi failure to comply is unacceptable and that Iraq must be disarmed. And, one way or another, Iraq will be disarmed. If the Security Council fails to act decisively in the event of further Iraqi violations, this resolution does not constrain any Member State from acting to defend itself against the threat posed by Iraq or to enforce relevant United Nations resolutions and protect world peace and security.” (S/PV.4644, p. 3)</p> <p><u>1.3 Contestation about facts</u></p> <p>Iraq: [...] Iraq no longer possesses weapons of mass destruction. The presence of such weapons has been relegated to the past. [...] Proof of this fact lies in the failure by the United States and Britain to prove any allegation that Iraq has possessed such weapons in recent years, and especially during the period following the adoption of resolution 1441 (2002).” (S/PV.4721, pp. 20f.)</p> <p><u>1.4 Contestation about interpretation</u></p> <p>Iraq: “The international community is also well aware that the Security Council has not authorized the use of force by the United States and Britain. The international community is aware that resolution 1441 (2002) did not allow the use of force at all. [...]” (S/PV.472, p. 5)</p> <p>Iraq: “The invaders and aggressors say that the goal of their aggression is the disarmament of Iraq. However, the whole world knows that the task of verifying Iraq’s compliance in disarmament was entrusted not to the United States and Britain but to the United Nations itself, through the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA). In their report to the Security Council on 7 March, these two agencies stated that the inspections conducted during three and a half months did not find any evidence contradicting Iraq’s declarations and no evidence of the existence of proscribed activities or items in Iraq.” (S/PV.4726, p. 5)</p>
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Letter sent in accordance with Art. 51 UNCh	0 – not applicable
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	10 protection against weapons of mass destruction	<p>“The danger is clear: using chemical, biological or, one day, nuclear weapons, obtained with the help of Iraq, the terrorists could fulfil their stated ambitions and kill thousands or hundreds of thousands of innocent people in our country, or any other. [...] Before the day of horror can come, before it is too late to act, this danger will be removed. The United States of America has the sovereign authority to use force in assuring its own national security.” (George W Bush’s speech on 17 March 2003, quoted in: "Bush's speech", The Guardian, 18.03.2003, https://www.theguardian.com/world/2003/mar/18/usa.iraq (accessed on 01 September 2022))</p> <p>### The US Congress, in October 2002, passed a joint resolution authorizing the President to command the use of military force against Iraq (“Iraq Resolution”) ### “</p> <p>The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to— (1) defend the national security of the United States against the continuing threat posed by Iraq; and (2) enforce all relevant United Nations Security Council resolutions regarding Iraq.” (H.J.Res.114, 16 October 2002 (PUBLIC LAW 107–243—16 October 2002, Section 3 (a))</p> <p>“[...] American and coalition forces are in the early stages of military operations to disarm Iraq, to free its people and to defend the world from grave danger. [...] More than 35 countries are giving crucial support [...]. We have no ambition in Iraq, except to remove a threat and restore control of that country to its own people. [...] The people of the United States and our friends and allies will not live at the mercy of an outlaw regime that threatens the peace with weapons of mass murder. We will meet that threat now, with our Army, Air Force, Navy, Coast Guard and Marines, so that we do not have to meet it later with armies of</p>

		fire fighters and police and doctors on the streets of our cities. " (President G.W. Bush, "Operation Iraqi Freedom", 19 March 2003, https://georgewbush-whitehouse.archives.gov/news/releases/2003/03/20030319-17.html [accessed on 01 September 2022])
5.2	3 Maintenance of regional stability	<p>"The actions that coalition forces are undertaking are an appropriate response. They are necessary steps to defend the United States and the international community from the threat posed by Iraq and to restore international peace and security in the area." (S/2003/351, Letter to the UNSC)</p> <p>"Saddam Hussein has made Iraq into a prison, a poison factory, and a torture chamber for patriots and dissidents. Saddam Hussein has the motive and the means and the recklessness and the hatred to threaten the American people. Saddam Hussein will be stopped." (Remarks on the Iraqi Regime's Noncompliance With United Nations Resolutions, February 6, 2003, Public Papers of the President, Administration of George W. Bush, 6 February 2003, pp. 136 f.)</p>

	Code	Material
6. UNSC Reaction	3 unclear	<p>Relevant UNSC Resolutions adopted before the invasion:</p> <p>S/Res/678, 1990 (adopted with 12 votes to 2 [Yemen, Cuba], China abstaining) <i>"The Security Council, [...] Noting that despite all efforts by the United Nations, Iraq refuses to comply with its obligations to implement resolution 660 (1990) [...] Acting under Chapter VII of the Charter, 1. Demands that Iraq comply fully with resolution 660 (1990) and all subsequent relevant resolutions, and decides, while maintaining all its decisions, to allow Iraq one final opportunity, as a pause of goodwill, to do so; 2. Authorizes Member States co-operating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements, as set forth in paragraph 1 above, the above-mentioned resolutions, to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent resolutions and to restore international peace and security in the area; 3. Requests all States to provide appropriate support for the actions undertaken in pursuance of paragraph 2 above; 4. Requests the States concerned to keep the Security Council regularly informed on the progress of actions undertaken pursuant to paragraphs 2 and 3 above [...]"</i></p> <p>S/Res/687, 3 April 1991 (Adopted with 12 votes to 1 [Cuba] with 2 abstentions [Ecuador, Yemen]) <i>"Conscious of the need to take the following measures acting under Chapter VII of the Charter, 1. Affirms all thirteen resolutions noted above, except as expressly changed below to achieve the goals of the present resolution, including a formal cease-fire; [...] 8. Decides that Iraq shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision, of: [list of certain types of weapons]"</i></p> <p>S/Res/1441, 08 November 2002 (adopted unanimously) <i>"The Security Council [...] 2. Decides, while acknowledging paragraph 1 above, to afford Iraq, by this resolution, a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council; and accordingly decides to set up an</i></p>

		<p>enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process established by resolution 687 (1991) and subsequent resolutions of the Council; [...] 12. <i>Decides</i> to convene immediately upon receipt of a report in accordance with paragraphs 4 or 11 above, in order to consider the situation and the need for full compliance with all of the relevant Council resolutions in order to secure international peace and security;”</p> <p>Relevant UNSC Res adopted after the invasion: S/Res/1472, 28 March 2003 (adopted with 15 votes to 0) <i>### Adjustments to the Iraqi Oil-for-Food Programme ###</i></p> <p>S/Res/1483, 22 May 2003 (adopted with 14 votes no 0, Syria not voting) “Calls upon the Authority, consistent with the Charter of the United Nations and other relevant international law, to promote the welfare of the Iraqi people through the effective administration of the territory, [...]” <i>### the Authority being established by the coalition forces ###</i></p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p>States supporting the Coalition of the Willing</p> <p>Poland: “By failing to abide by Security Council decisions, particularly those relating to weapons of mass destruction, the regime of Saddam Hussain constitutes a threat to international peace and security. Under those circumstances, the conclusion had to be reached that the peaceful means for the resolution of the Iraqi crisis have been exhausted and the use of force remained the only option. [...] The intervention of the international coalition to force Iraq’s implementation of relevant Security Council resolutions, including resolution 1441 (2002), adopted under Chapter VII of the Charter, is not directed against the Iraqi people. It has been undertaken for the sake of eliminating Iraq’s weapons of mass destruction, which threaten international peace and security. Failure to take action for the effective disarmament of Saddam Hussein’s regime would be a serious political and military mistake. It would be tantamount to tolerating breaches of the law and persistent disregard of obligations to the United Nations. It would lead to the further undermining of the authority of the United Nations.” (S/PV.4726, p. 25)</p> <p>Albania: “As a member of the coalition of the free countries for the liberation of Iraq, Albania requests that this regime step aside now to spare the people of Iraq from being exposed to further danger and suffering. [...] Albania, as part of the coalition of the willing led by the United States and United Kingdom, together with many countries all over the world, will strive to advance liberty and peace in Iraq. The new Iraq will be democratic and will live in peace; it will no longer be a threat to its neighbours or to the world. By assuming that responsibility and by fighting for a free world that is not threatened by weapons of mass destruction and terrorism, we will remain faithful to the vision of the founders of the Organization and accomplish its goals.” (S/PV.4726, p. 45)</p>

	<p>Spain: <i>“Indeed, the legitimate recourse to the use of force to disarm Iraq of its weapons of mass destruction is based on the logical linking of resolutions 660 (1990), 678 (1990), 687 (1991) and 1441 (2002), adopted pursuant to Chapter VII of the Charter. Resolution 660 (1990) considered the Iraqi invasion of Kuwait a breach of the peace and international security. [...] Iraq did not comply with that demand of the Council, which requested, in its second resolution, that Member States use all means necessary to make Iraq comply with resolution 660 (1990). An international coalition, under that mandate, intervened militarily and restored international legality. Resolution 687 (1991) declared a ceasefire, subordinating it to compliance with a number of conditions. [...] Resolution 687 (1991), therefore, left in abeyance resolution 678 (1990), which authorized the use of force. It left it in abeyance, but it did not abolish it. The content of resolution 678 (1990) continues to be perfectly valid, and that is recalled in resolution 1441 (2002), unanimously adopted by the Council four and a half months ago.” (S/PV.4721, p. 15)</i></p> <p>Bulgaria: <i>“Military action turned out to be the last recourse for disarming Iraq. We confirm our position because Iraq was in clear breach of its disarmament obligations. The Government of Iraq is the sole party responsible for the serious consequences that it is now suffering. The Baghdad authorities did not take their last chance to comply with the relevant Security Council resolutions, particularly resolution 1441 (2002).” (S/Pv.4726 (resumption 1), p. 31)</i></p> <p>Georgia: <i>“[...] the coalition was compelled to use force as a last resort to address the Iraqi regime’s non-compliance, for over 12 years, with the demands of Security Council resolutions [...]”. (S/PV.4726, p. 41)</i></p> <p>Singapore: <i>“Like many Members, we would have preferred that the Security Council had again explicitly authorized military action to disarm Iraq. But the onus was always on Iraq to avoid a war. Given Iraq’s long history of flouting Security Council resolutions, Singapore’s view was that the Council’s inability to reach a new consensus could not be taken as a reason for inaction to disarm Iraq.” (S/PV.4726, p. 26)</i></p> <p>Republic of Korea: <i>“Under these circumstances, the coalition action by the international community should be construed as last-resort, but inevitable measures taken after the exhaustion of all possible diplomatic efforts to resolve the issue peacefully.” (S/PV.4726, p. 35)</i></p> <p>Japan: <i>“In no situation is it easy to make a decision to support the use of force. It goes without saying that the best way would be for weapons of mass destruction to be dismantled without armed conflict. However, in a situation where that is impossible, Japan has come to the conclusion that, as a responsible member of the international community, it supports the actions taken by the United States and its coalition partners.” (S/PV.4726, p. 39)</i></p>
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	<p>States opposing the invasion – statements prior to the invasion</p> <p>Russia: “We can only express regret that, at precisely the time when the prospect for Iraq’s disarmament through inspections had become more than real, problems were put forward that have no direct bearing on resolution 1441 (2002) or on other United Nations decisions concerning Iraq. Not one of those decisions authorizes the right to use force against Iraq outside the Charter of the United Nations; not one of them authorizes the violent overthrow of the leadership of a sovereign State.” (S/PV.4721, p. 8 [shortly before the invasion])</p> <p>Germany (represented by Joschka Fischer): “It is possible to disarm Iraq peacefully by upholding those demands with tight deadlines. Peaceful means have therefore not been exhausted. Also for that reason, Germany emphatically rejects the impending war. [...] under the current circumstances the policy of military intervention has no credibility. It does not have the support of our people. It would not have taken much to safeguard the unity of the Security Council. There is no basis in the United Nations Charter for regime change by military means.” (S/PV.4721, p. 4 [shortly before the invasion])</p> <p>Syria: “Within hours, a war of aggression will be unleashed in Iraq, as was declared yesterday in Washington. [...] this is an unfair and unjustified war. [...] the objective is not to disarm Iraq of weapons of mass destruction, but to occupy it and usurp its natural resources, in contravention of all norms and laws. [...] What logic could be used by the countries of the world to justify to their people the waging of a war, in contravention of international law and in grave and flagrant violation of the Charter, in order to pursue hidden objectives that give precedence to the law of the jungle over international legitimacy?” (S/PV.4721, pp. 9 f.)</p> <p>States opposing the invasion – statements after the invasion</p> <p>Malaysia (on behalf of the Non-Aligned States): “The war against Iraq has been carried out without the authorization of the Security Council. This war is being carried out in violation of the principles of international law and the Charter. [...] We continue to believe that the problem of Iraq should and could be resolved peacefully through the United Nations.” (S/PV.4726, p. 7)</p> <p>Algeria (S/Pv.4726, p. 10), Egypt (pp. 11-12), Yemen (p. 13), Libyan Arab Jamahiriya (p. 16), Sudan (p. 31), Lebanon (p. 35), Indonesia (p. 19) <i>### rejecting the legality of the invasion</i> “a military attack against Iraq in contravention of international law”, Cuba [p. 21: “The aggression of the United States and the United Kingdom against Iraq deserves strong condemnation and should be stopped immediately.”], Brazil (p. 28: “Brazil can only</p>
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	<p>profoundly deplore the initiation of military action and, in particular, the fact that force has been used without the express authorization of the Security Council.”), Viet Nam (p. 32: “The use of force against an independent, sovereign State and Member of the United Nations constitutes a gross violation of the Charter and the fundamental principles of international law.”), Jamaica (p. 32), Iran (p. 33: “The unilateral war against Iraq does not meet any standard of international legitimacy.”), Belarus (p. 38: “Today we are witnessing armed aggression against a sovereign Member State of the United Nations, which had been planned well in advance and launched in circumvention of the authority of the Security Council, with which it is empowered under the Charter.”), Venezuela (pp. 45 f), the Lao People’s Democratic Republic (p. 47: “This unjustified act of aggression, not mandated by the United Nations, is a serious violation of the Charter and of international law.”).</p> <p>Russia: “An unprovoked military action has been undertaken, in violation of international law and in circumvention of the Charter, against Iraq, a sovereign State and Member of the United Nations. [...] The military action undertaken by the United States and the United Kingdom just at that moment — in violation of Security Council resolutions — cannot be justified in any way. In fact, those countries were unable to provide any proof to support their allegations regarding Iraq’s possession of weapons of mass destruction and Baghdad’s support for international terrorism — or with regard to a threat to the countries of the region or to international security emanating from Iraq.” (S/PV.4726 (resumption 1), pp. 26f.)</p> <p>People’s Republic of China: “A few days ago, the United States and a few other countries, sidestepping the Security Council, launched military action against Iraq in the face of the opposition of an absolute majority of the international community. Such an action constitutes a violation of the basic principles of the Charter of the United Nations and of international law.” (S/PV.4726 (resumption 1), p. 28)</p> <p>League of Arab States: “Since 20 March, the armies and air forces of two permanent members of the Security Council have, without the Council’s authorization, been waging an unequal and unjust war against Iraq, which has been a Member State of the Organization since the signing of the Charter. The ministerial decision adopted by the Council of the League of Arab States on 24 March 2003 in connection with the Anglo-American aggression against Iraq decided the following: ‘To condemn the American/British aggression against Iraq, a State Member of the United Nations and a member of the League of Arab States;’ (S/2003/365, annex, para. 1) ‘To deem this aggression a violation of the Charter of the United Nations and the principles of international law, a departure from international legitimacy, a threat to international peace and security [...]’ (Mr. Yahya Mahmassani, Permanent Observer of the League of Arab States to the United Nations, S/PV.4726, p. 8)</p> <p>India: “[...] we sincerely hope that the military campaign, which was unjustified and avoidable, will be short-lived.” (S/PV.4726, p. 24)</p> <p>Liechtenstein:</p>
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		“[...] it is the obligation of the Council to exhaust all peaceful means available before resorting to the authorization of the use of force and that only the Council can bestow legitimacy on an armed intervention. We thus deeply regret that military action has been initiated without explicit authorization by the Council.” (S/PV.4726 (resumption 1), p. 2)
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200 United Kingdom

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2 Source of law	Contestation about					Material
		3 facts	4 interpretation	5. exceptional circumstances	6 abstr. gen. level	7 validity	
2 Chapter VII	1 Treaty	1 Yes	1 Yes	2 No	1 Yes	2 No	<p>“In its resolution 1441 (2002), the Council reiterated that Iraq’s possession of weapons of mass destruction constitutes a threat to international peace and security; that Iraq has failed, in clear violation of its obligations, to disarm; and that in consequence Iraq is in material breach of the conditions for the ceasefire at the end of hostilities in 1991 laid down by the Council in its resolution 687 (1991). Military action was undertaken only when it became apparent that there was no other way of achieving compliance by Iraq. The objective of the action is to secure compliance by Iraq with its disarmament obligations as laid down by the Council. “ (S/2003/350, Letter to the UNSC)</p> <p>“The action that the United Kingdom is now taking with its coalition partners to uphold United Nations resolutions is both legitimate and multilateral. The use of force is authorized in the current circumstances under Security Council resolutions 678 (1990), 687 (1991) and 1441 (2002). A broad coalition of well over 40 States is supporting this action materially or politically.” (S/PV.4726 (Resumption 1), p. 23)</p>

								1.3 Contestation about Facts and 1.4. Contestation about Application ### See Iraqi quotes above, under the US justificatory claim (Chapter VII). ###
Letter sent in accordance with Art. 51 UNCh	0 – not applicable							

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	see United States 6
7. UNGA Reaction	4 no reaction	see United States 7
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	see United States 9

900 Australia

	Code
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Law invoked?	1 Yes						
1.1 Justificatory claim	.2 Source of law	Contestation about					Material
2 Chapter VII	1 Treaty	.3 facts 1 Yes	.4 interpretation 1 Yes	.5. exceptional circumstances 2 No	.6 abstr. gen. level 1 Yes	.7 validity 2 No	<p>“I have the honour to inform you on behalf of my Government that the Australian Defence Force [...] engaged in military action in Iraq on 20 March 2003. [...] In its resolution 1441 (2002), the Council recognized that Iraq’s possession of weapons of mass destruction constitutes a threat to international peace and security, that Iraq has failed, in clear violation of its obligations, to disarm and that in consequence Iraq is in material breach of the conditions for the ceasefire at the end of hostilities in 1991 laid down by the Council in its resolution 687 (1991). Military action was undertaken consistent with resolutions 678 (1990), 687 (1991) and 1441 (2002) only when it became apparent that there was no other way of achieving compliance by Iraq. The objective of the action is to secure compliance by Iraq with its disarmament obligations as laid down by the Council.” (S/2003/352, Letter of 20 March 2003 to the UNSC)</p> <p>“Let us be clear. The Council failed the international community; it failed to enforce its own resolutions. [...] Australia is a part of the coalition to disarm Iraq because we believe an Iraq with weapons of mass destruction represents a grave threat to our security and to international security. Australia hopes that Iraq can be disarmed soon with a minimum of harm to civilians and to coalition forces. Our participation in the coalition is in complete accordance with international law. Existing Security Council resolutions — including resolutions 678 (1990), 687 (1991) and 1441 (2002) — provide authority for the use of force to disarm Iraq of weapons of mass destruction and to restore international peace and security to the region.” (S/PV.4726, p. 27)</p> <p>1.3 Contestation about Facts and 1.4. Contestation about Application ### See Iraqi quotes under US justificatory claim 1.1 (Chapter VII) ###</p>

Letter sent in accordance with Art. 51 UNCh	0 – not applicable
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<i>see United States 6</i>
7. UNGA Reaction	4 no reaction	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<i>see United States 9</i>

645 Iraq

	Code
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Law invoked?	1 Yes
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>### Immediately before the invasion, Iraq had invoked Art 51 UN Charter letter S/2003/327, 18 March 2003: ### “[...] In view of the escalation of American threats of aggression against Iraq; the increased United States and British military massing in Kuwait and in the demilitarized zone between Iraq and Kuwait; the opening by the Kuwaiti authorities and the American forces of breaches in the fence separating Iraq and Kuwait with a view to aggression against Iraq via the demilitarized zone; and the dropping by American aircraft, on the Iraqi side of the demilitarized zone, in the vicinity of the port and town of Umm Qasr, of leaflets containing threats of occupation of the port and the city, I wish to inform you that the Iraqi authorities will take the necessary steps to exercise their legitimate right of self-defence, pursuant to Article 51 of the Charter of the United Nations, in order to protect the area of the port and city of Umm Qasr, the lives and property of Iraqi citizens and public property.”</p> <p><u>Other quotes relevant in relation to US, UKA and Australia’s justificatory claim:</u></p> <p>“I would like to express my appreciation to the permanent and non-permanent members of the Security Council for their efforts aimed at reaching a peaceful resolution to the current crisis, which was created by the United States, the United Kingdom and Spain, with the intention of launching a hostile war against Iraq and occupying it under the pretext of the presence in Iraq of weapons of mass destruction. [...] We have heard three or four discordant voices calling for war in the course of many meetings in this Chamber. At the same time, many other voices — responding to the international community and human conscience, as well as to the principles of truth, justice and the Charter of the United Nations — have called for peace. [...] Iraq no longer possesses weapons of mass destruction. The presence of such</p>

						<p>weapons has been relegated to the past. [...] Proof of this fact lies in the failure by the United States and Britain to prove any allegation that Iraq has possessed such weapons in recent years, and especially during the period following the adoption of resolution 1441 (2002).” (Mr. Aldouri, S/PV.4721, pp. 20f.)</p> <p>“The direct humanitarian effects of the military attack will mean tens of thousands of casualties and the complete destruction of the country’s infrastructure. I would like to recall here that the United States and the United Kingdom have made commitments to rebuild the infrastructure that they are about to destroy either today or tomorrow. This is, of course, cause for sincere joy to all. Epidemics and diseases will also spread.” (Mr. Aldouri, S/PV.4721, p. 21)</p> <p>### Iraq referred to the imminent invasion as an illegal act of aggression ###: “The decision to withdraw the inspectors so swiftly paves the way for the United States and the United Kingdom to carry out acts of military aggression against Iraq much faster than was expected. [...] I do not believe that members of the Council and the Secretary-General need to be reminded of their responsibilities under the Charter for the maintenance of international peace and security, especially in the event of a threat to or breach of peace or an act of aggression. This is precisely what is happening now.” (Mr. Aldouri, S/PV.4721, p. 22)</p> <p>### After the invasion, Iraq requested the convening of a UNSC meeting, S/2003/362: ### “In my capacity as the Chairman of the Arab Group for the month of March 2003 and on behalf of the States members of the League of Arab States with the reservation of the State of Kuwait I have the honour to request from you the convening of an urgent session for the Security Council with regard to halting the American-British aggression and the immediate withdrawal of the invading forces outside the international boundaries of the Republic of Iraq and reconfirming Iraq’s sovereignty, political independence and territorial integrity and preventing all States from interfering in its internal affairs.”</p> <p>### In the UNSC (26 March 2003, 4726th meeting), Iraq referred to the invasion as ### “[...] criminal, tyrannical, barbaric American-British military aggression. This aggression is killing women, children and the elderly, and it is destroying the lives and future of the people of Iraq. [...] This constitutes a blatant violation of international law and of the United Nations Charter; it defies the international community and deviates from international legality.” (S/PV.4726, pp. 4f.)</p>
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						<p>“The invaders and aggressors say that the goal of their aggression is the disarmament of Iraq. However, the whole world knows that the task of verifying Iraq’s compliance in disarmament was entrusted not to the United States and Britain but to the United Nations itself, through the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA). In their report to the Security Council on 7 March, these two agencies stated that the inspections conducted during three and a half months did not find any evidence contradicting Iraq’s declarations and no evidence of the existence of proscribed activities or items in Iraq. Yet today the whole world is well aware that the real reason for this aggression and invasion is the occupation of Iraq, to recolonize it and control its oil wealth.” (S/PV.4726, p. 5)</p> <p>“The international community is also well aware that the Security Council has not authorized the use of force by the United States and Britain. The international community is aware that resolution 1441 (2002) did not allow the use of force at all. [...] The full-scale Anglo-Saxon military invasion and the hostile, aggressive war against the Republic of Iraq constitute a blatant material breach of international law and of the United Nations Charter, particularly Article 2, paragraphs 4 and 7. It is also a material breach of the relevant Security Council resolutions. All of these resolutions, without exception, oblige United Nations Member States to respect Iraq’s sovereignty, political independence and territorial integrity.” (S/PV.472, p. 5)</p> <p><i>### 21 March 2003 Letter to the UN SecGen, S/2003/358 – complaining of the withdrawal of UN staff immediately before the invasion and: claims: ### “The questionable American-British draft resolution [...] is based on a loathsome, racist-imperialist delusion that drives the high-handed oppressors in Washington and London, namely the extinction of the State of Iraq and the conversion of the region into colonies subject to the international Zionist and American oil mafia”</i></p> <p><i>### The self-defense-claim invoked by Iraq is contested not in terms of facts, as there was clearly a foreign military intervention on Iraqi soil, and not in terms of the abstract-general-level, because Iraq was proposing a reading of self-defense perfectly in line with “normal” cases of self-defense. However, Iraq could of course not have invoked this right, were the coalition action themselves justified. Therefore, we coded the interpretation (of the right to self-defense) to be contested. ###</i></p>
Letter sent in accordance with Art. 51 UNCh	1 yes Letter S/2003/327, 18 March 2003					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<i>see United States 6</i>
7. UNGA Reaction	4 no reaction	<i>see United States 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>### State Reaction mainly focussed on the (il-)legality of coalition action without addressing whether Iraq had a right to self-defence; See United States 9 ###</i>

61. Iraqi Resistance 2003-2011

Key data

Duration: 3.5.2003 – 18.12.2011; Parties: Australia, Iraq, Italy, Netherlands, Poland, Republic of Korea, Spain, Ukraine, United Kingdom, United States vs. al-Qaida, Iraqi resistance; Initiator: Australia, United Kingdom, United States.

2 United States

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	### The United States were part of the Multi-National-Force-Iraq. The MNF-mandate was established by Security Council Resolution 1511 (16 October 2003) and extended in Res 1546(2004), Res 1637(2005), Res 1723(2006) and Res 1790(2007). The United States relied on the MNF mandate as a legal justification for its actions. However, while this conflict began on May 3, 2003, the MNF-mandate was not established until 16 October 2003. Therefore, during the first months of this conflict, the US did not rely on a justificatory claim, but only relied on legitimacy arguments (see below). Nevertheless, it should be noted that the US has already made a

						<p><i>justificatory claim prior to this conflict (see conflict #227, "Invasion of Iraq": material-breach argument). ###</i></p> <p><u>MNF-mandate, established by the UN Security Council:</u> UNSC Res 1511, 16 October 2003: "13. (...) and authorizes a multinational force under unified command to take all necessary measures to contribute to the maintenance of security and stability in Iraq (...)"</p> <p>UNSC Res 1546, 8 June 2004: "10. Decides that the multinational force shall have the authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq in accordance with the letters annexed to this resolution expressing, inter alia, the Iraqi request for the continued presence of the multinational force (...)"</p> <p>UNSC Res 1637, 8 November 2005: "1. Notes that the presence of the multinational force in Iraq is at the request of the Government of Iraq and, having regard to the letters annexed to this resolution, reaffirms the authorization for the multinational force as set forth in resolution 1546 (2004) and decides to extend the mandate of the multinational force as set forth in that resolution until 31 December 2006;"</p> <p><i>### For further resolutions extending the MNF-mandate see below: 6. UNSC reaction ###</i></p> <p><u>Statements by the United States:</u> "With fewer than 100 days to go before Iraq resumes its sovereignty, American officials say they believe they have found a legal basis for American troops to continue their military control over the security situation in Iraq. (...) the officials say they believe an existing United Nations resolution approving the presence of a multinational force in Iraq, approved by the Security Council in October, gives American commanders the authority needed to maintain control after sovereignty is handed back. Showing his confidence that the approach was grounded in international law (...). Mr. Bremer [chief of the occupation authority] and other top American officials say they believe Security Council Resolution 1511, which conferred the mandate for the American-led alliance, can be used to provide legal justification for the American military command to operate until Dec. 31, 2005. « (Burns/ Shanker, "The Struggle for Iraq: The Occupation; US Officials Fashion Legal Basis to Keep Force in Iraq," The New York Times, 26.3.2004, p. 10, https://www.nytimes.com/2004/03/26/world/struggle-for-iraq-occupation-us-officials-fashion-legal-basis-keep-force-iraq.html (accessed on 16 September 2022))</p>
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Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	

3 invitation	4 no spec.	2 No	2 No	2 No	2 No	2 No	<p>### <i>The United States (as part of the MNF) acting under the request of Iraq's government. Iraq requested the support of the UNSC and the international community on 8 June 2004. Furthermore, Iraq explicitly requested the US' support in an Agreement in 2008</i> ###</p> <p>Request by Iraq: “Until we are able to provide security for ourselves, including the defence of Iraq’s land, sea and air space, we ask for the support of the Security Council and the international community in this endeavour. We seek a new resolution on the Multinational Force (MNF) mandate to contribute to maintaining security in Iraq, including through the tasks and arrangements set out in the letter from Secretary of State Colin Powell to the President of the United Nations Security Council. The Government requests that the Security Council review the mandate of the MNF at the request of the Transitional Government of Iraq, or twelve months from the date on which such a resolution is adopted.” (Annex to UNSC Res 1546, 8 June 2004, Letter from the Prime Minister of the Interim Government of Iraq Dr. Ayad Allawi and United States Secretary of State Colin L. Powell to the President of the Council)</p> <p>Response by the United States: “ [United States Secretary of State Colin L. Powell]: Recognizing the request of the government of Iraq for the continued presence of the Multi-National Force (MNF) in Iraq, and following consultations with Prime_Minister Ayad Allawi of the Iraqi Interim Government, I am writing to confirm that the MNF under unified command is prepared to continue to contribute to the maintenance of security in Iraq, including by preventing and deterring terrorism and protecting the territory of Iraq.” (Annex to UNSC Res 1546, 8 June 2004, Letter from the Prime Minister of the Interim Government of Iraq Dr. Ayad Allawi and United States Secretary of State Colin L. Powell to the President of the Council)</p> <p>Request by Iraq for extension of the mandate of MNF: “The Government of Iraq requests the extension of the mandate of MNF-I in accordance with Security Council resolutions 1546 (2004), 1637 (2005) and 1723 (2006) and the letters annexed thereto for a period of 12 months beginning on 31 December 2007, provided that the extension is subject to a commitment by the Security Council to end the mandate at an earlier date if the Government of Iraq so requests and that the mandate is subject to periodic review before June 2008.” (Annex I to UNSC Res 1790, 18 December 2007, Letter dated 7 December 2007 from the Prime Minister of Iraq addressed to the President of the Security Council)</p>
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Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
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5.1.	7 enforcing specific political system	<p>### <i>The United States were aiming to build a representative and democratic government in Iraq.</i> ###</p> <p>“[United States Secretary of State Colin L. Powell]: We look to other member states and international and regional organizations to assist the people of Iraq and the sovereign Iraqi government in overcoming the challenges that lie ahead to build a democratic, secure and prosperous country.” (Annex to UNSC Res 1546, 8 June 2004, Letter from the United States Secretary of State Colin L. Powell to the President of the Council)</p> <p>“We [the United States] will stand with the people of Afghanistan and Iraq until their hopes of freedom and security are fulfilled. Freedom is finding a way in Iraq and Afghanistan – and we must continue to show our commitment to democracy in those nations. The liberty that many have won at a cost must be secured. As members of the United Nations, we all have a stake in the success of the world's newest democracies.” (United States President George W. Bush, Address to the United Nations General Assembly in UNGA 59th session, 21.9.2004 quoted in: "Bush's Address to U.N. General Assembly", The New York Times, 21.9.2004, https://www.nytimes.com/2004/09/21/international/bushs-address-to-un-general-assembly.html (accessed on 16 September 2022))</p> <p>„Bush [zu Beginn seiner zweiten Amtszeit] versicherte, er werde beim Krieg gegen den internationalen Terrorismus unerschütterlich und zudem in der Offensive bleiben; zudem bekannte er sich zum Aufbau eines demokratischen und prosperierenden Gemeinwesens im Irak.“ ("Schröder an Bush: Aufgaben gemeinsam meistern", Frankfurter Allgemeine Zeitung, 5.11.2004, p.1, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FD1200411052541049 (accessed on 16 September 2022))</p>
5.2.	3 maintenance of regional stability	<p>### <i>The United States acting in order to support regional stability and security in Iraq by fighting al-Qaida and other terrorist groups.</i> ###</p> <p>“The United States, the United Kingdom and Coalition partners, working through the Coalition Provisional Authority, shall inter alia, provide for security in and for the provisional administration of Iraq, including by: detering hostilities; maintaining the territorial integrity of Iraq and securing Iraq’s borders [...]” (S/2003/538, Letter of 8 May 2003 by Permanent Representatives of US and UK to President of UNSC)</p> <p>“In a broad defense of his foreign policy, Mr. Bush suggested that pacifying Iraq, hunting down Al Qaeda and bringing peace to the Middle East were all part of a larger struggle against terrorists fearful of democracy and civilized values.” (Stevenson, "After the War: The President; Bush declares Violence in Iraq will test US Will", The New York Times, 27.08.2003, p.1, https://www.nytimes.com/2003/08/27/world/after-the-war-the-president-bush-declares-violence-in-iraq-tests-us-will.html (accessed on 16 September 2022))</p> <p>“[United States Secretary of State Colin L. Powell]: (...) I am writing to confirm that the MNF under unified command is prepared to continue to contribute to the maintenance of security in Iraq, including by preventing and deterring terrorism and protecting the territory of Iraq.” (Annex to UNSC Res 1546, 8 June 2004, Letter from the Prime Minister of the Interim Government of Iraq Dr. Ayad Allawi and United States Secretary of State Colin L. Powell to the President of the Council)</p>

		<p>“A democratic Iraq has ruthless enemies – because terrorists know the stakes in that country. They know that a free Iraq in the heart of the Middle East will be a decisive blow against their ambitions for that region. So, a terrorist group associated with al-Qaida is now one of the main groups killing the innocent in Iraq today – conducting a campaign of bombings against civilians, and the beheadings of bound men. Coalition forces now serving in Iraq are confronting the terrorists and foreign fighters, so peaceful nations around the world will never have to face them within our own borders.” (United States President George W. Bush, Address to the United Nations General Assembly in UNGA 59th session, 21.9.2004 quoted in: "Bush's Address to U.N. General Assembly", The New York Times, 21.9.2004, https://www.nytimes.com/2004/09/21/international/bushs-address-to-un-general-assembly.html (accessed on 16 September 2022))</p> <p>„Bush [zu Beginn seiner zweiten Amtszeit] versicherte, er werde beim Krieg gegen den internationalen Terrorismus unerschütterlich und zudem in der Offensive bleiben; zudem bekannte er sich zum Aufbau eines demokratischen und prosperierenden Gemeinwesens im Irak.“ ("Schröder an Bush: Aufgaben gemeinsam meistern", Frankfurter Allgemeine Zeitung, 5.11.2004, p.1, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FD1200411052541049 (accessed on 16 September 2022))</p>
5.3.	4 defence against terrorism	<p><i>### The United States acting in order to support stability and security in the United States (pre-emptive self-defence) ###</i></p> <p>“In a broad defense of his foreign policy, Mr. Bush suggested that pacifying Iraq, hunting down Al Qaeda and bringing peace to the Middle East were all part of a larger struggle against terrorists fearful of democracy and civilized values. (...) He made the case that failing to take the fight to terrorists wherever they are would expose the United States to attacks at home. 'Our military is confronting terrorists in Iraq and Afghanistan and in other places so our people will not have to confront terrorist violence in New York or St. Louis or Los Angeles,' he said.” (Stevenson, "After the War: The President; Bush declares Violence in Iraq will test US Will", The New York Times, 27.08.2003, p.1, https://www.nytimes.com/2003/08/27/world/after-the-war-the-president-bush-declares-violence-in-iraq-tests-us-will.html (accessed on 16 September 2022))</p> <p>“A democratic Iraq has ruthless enemies – because terrorists know the stakes in that country. They know that a free Iraq in the heart of the Middle East will be a decisive blow against their ambitions for that region. So a terrorist group associated with al-Qaida is now one of the main groups killing the innocent in Iraq today – conducting a campaign of bombings against civilians, and the beheadings of bound men. Coalition forces now serving in Iraq are confronting the terrorists and foreign fighters, so peaceful nations around the world will never have to face them within our own borders.” (United States President George W. Bush, Address to the United Nations General Assembly in UNGA 59th session, 21.9.2004 quoted in: "Bush's Address to U.N. General Assembly", The New York Times, 21.9.2004, https://www.nytimes.com/2004/09/21/international/bushs-address-to-un-general-assembly.html (accessed on 16 September 2022))</p> <p>„Der amerikanische Präsident Bush hat am Dienstag in New York vor den Vereinten Nationen gesagt, das Engagement im Irak und in Afghanistan werde fortgesetzt (...). Beide Länder seien die ‚neuesten Demokratien‘ in der Weltgemeinschaft. Sie sollten als Modellfälle für die Nahost-Region angesehen werden. Terroristische Organisationen, besonders Al Qaida, kämpften gegen diese</p>

		<p>Entwicklung, weil sie deren Modellcharakter erkannten. Die Terroristen müßten in den Ländern, in denen sie aufträten, bekämpft werden, damit dieser Kampf nicht im eigenen Land zu führen sei. Bush sagte, wenn es um Freiheit und Gerechtigkeit gehe, so gebe es keinen Kampf der Kulturen. Demokratie gebe es in buddhistischen Systemen ebenso wie in hinduistischen, muslimischen, jüdischen oder christlichen Gesellschaften, in modernen und traditionellen.“ ("Bush - wir bleiben im Irak und in Afghanistan", Frankfurter Allgemeine Zeitung, 22.9.2004, p. 1, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FR1200409222485329 (accessed on 16 September 2022))</p> <p>„Bush versicherte, er werde beim Krieg gegen den internationalen Terrorismus unerschütterlich und zudem in der Offensive bleiben; zudem bekannte er sich zum Aufbau eines demokratischen und prosperierenden Gemeinwesens im Irak. ‚Wir haben eine feierliche Pflicht, das amerikanische Volk zu schützen, und wir werden diese Pflicht erfüllen‘, sagte Bush. Der Präsident versprach eine verstärkte ‚Zusammenarbeit mit der EU und der Nato‘, um Frieden und Entwicklung in der Welt voranzubringen.“ ("Schröder an Bush: Aufgaben gemeinsam meistern", Frankfurter Allgemeine Zeitung, 5.11.2004, p.1, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FD1200411052541049 (accessed on 16 September 2022))</p>
5.4.	10 protection against weapons of mass destruction	<p>### Aiming to ensure the complete disarmament of Iraq of weapons of mass destruction and means of delivery ###</p> <p>“The United States of America, the United Kingdom of Great Britain and Northern Ireland and Coalition partners continue to act together to ensure the complete disarmament of Iraq of weapons of mass destruction and means of delivery in accordance with United Nations Security Council resolutions. [...] We will act to ensure that Iraq’s oil is protected and used for the benefit of the Iraqi people.” (S/2003/538, Letter of 8 May 2003 by Permanent Representatives of US and UK to President of UNSC)</p>

	Code	Material
6. UNSC Reaction	1 approves	<p>### The UNSC recognized the Coalition Provisional Authority as the occupying power (as “the Authority”) in UNSC Res 1483 ###</p> <p>UNSC Res 1483, 22 May 2003: ### adopted with 14 votes, no abstentions, Syria not voting; the resolution was sponsored by Spain, the UK and the US ### “Noting the letter of 8 May 2003 from the Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council (S/2003/538) and recognizing the specific authorities, responsibilities, and obligations under applicable international law of these states as occupying powers under unified command (the “Authority”), 4. <i>Calls upon</i> the Authority, consistent with the Charter of the United Nations and other relevant international law, to promote the welfare of the Iraqi people through the effective administration of the territory, including in particular working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people can freely determine their own political future;”</p> <p>### The UNSC provides established the mandate for the Multi-National Force in Security Council Resolution 1511 (16 October 2003) and extended its mandate in Res 1546(2004), Res 1637(2005), Res 1723(2006) and Res 1790(2007). ###</p>

		<p>UNSC Res 1511, 16 October 2003: “13. (...) and <i>authorizes</i> a multinational force under unified command to take all necessary measures to contribute to the maintenance of security and stability in Iraq (...)”</p> <p>UNSC Res 1546, 8 June 2004: “10. <i>Decides</i> that the multinational force shall have the authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq in accordance with the letters annexed to this resolution expressing, inter alia, the Iraqi request for the continued presence of the multinational force (...)”</p> <p>UNSC Res 1637, 8 November 2005: [<i>Extension of the MNF mandate</i>] “1. <i>Notes</i> that the presence of the multinational force in Iraq is at the request of the Government of Iraq and, having regard to the letters annexed to this resolution, <i>reaffirms</i> the authorization for the multinational force as set forth in resolution 1546 (2004) and <i>decides</i> to extend the mandate of the multinational force as set forth in that resolution until 31 December 2006;”</p> <p>UNSC Res 1723, 28 November 2006: [<i>Extension of the MNF mandate</i>] “1. <i>Notes</i> that the presence of the multinational force in Iraq is at the request of the Government of Iraq and <i>reaffirms</i> the authorization for the multinational force as set forth in resolution 1546 (2004) and <i>decides</i> to extend the mandate of the multinational force as set forth in that resolution until 31 December 2007, (...)”</p> <p>UNSC Res 1790, 18 December 2007: [<i>Extension of the MNF mandate</i>] “1. <i>Notes</i> that the presence of the multinational force in Iraq is at the request of the Government of Iraq and <i>reaffirms</i> the authorization for the multinational force as set forth in resolution 1546 (2004) and <i>decides</i> to extend the mandate as set forth in that resolution until 31 December 2008 (...)”</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<p>### States are supporting the MNF-mandate as a way to achieve peace and security in Iraq ###</p> <p>The European Union: „In einer gemeinsamen Erklärung bekräftigten die Staats- und Regierungschefs [der EU] das Interesse an einem "sicheren, stabilen und geeinten Irak" und stellten vage den Abschluß eines Abkommens über eine politische und handelspolitische Zusammenarbeit in Aussicht. Sie bekräftigten ihre Bereitschaft, die Vereinten Nationen und die Übergangsregierung bei der Vorbereitung und Überwachung der für Januar geplanten Parlamentswahl zu unterstützen (...).“ ("Allawi verursacht bei Europäern Verstimmung", Frankfurter Allgemeine Zeitung, 6.11.2004, p.1, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FR1200411062543266 (accessed on 16 September 2022))</p> <p>Russia:</p>

	<p>“An overall appraisal of resolution 1511 (2003), which we have just adopted, is contained in the joint French-German-Russian statement distributed to members. In addition, we should like to emphasize that, from the moment that work on the draft resolution began, the Russian Federation was guided by the objectives of promoting the earliest possible political settlement, under United Nations auspices, of the situation in Iraq; helping the Iraqi people to regain their sovereignty; and preventing a situation whereby the Iraq crisis would destabilize the situation in the region.” (Mr. Lavrov (Russian Federation), S/PV.4844, 16 October 2003)</p> <p>China: “The Chinese delegation has voted in favor of Resolution 1511 [which established the MNF-mandate] just adopted by the Security Council. In view of the current situation in Iraq and the common aspiration of the international community, the Chinese side has consistently maintained that it is necessary for the Security Council to adopt a new resolution so as to help Iraq achieve peace and stability, restore sovereignty and realize economic and social development as soon as possible.” (Wang Guangya (China), S/PV.4844, 16 October 2003,)</p> <p>Germany: “Another factor [for the German approval of Resolution 1511, which established the MNF mandate] was that we and the sponsors share the same goals in Iraq: to contribute to a swift stabilization of the conditions in Iraq, to support the political and economic reconstruction process in Iraq, and to promote the restoration of the Iraqi people’s sovereignty through a Government democratically elected by them. That can succeed only when the Security Council appears as unified as possible. We therefore did not want to stand in the way of Council unity.” (Mr. Pleuger (Germany), S/PV.4844, 16 October 2003)</p> <p>France: “We also remain convinced that, in order to allow for the reconstruction and stabilization of Iraq, the sovereign assumption by the Iraqis of their own destiny is a necessary starting point to restore political prospects for the Iraqis; to marginalize those in Iraq who have chosen violence; and to mobilize the international community on behalf of Iraq. Furthermore, we believe that it is absolutely necessary for the United Nations to play a lead role in assistance to the Iraqi people in successfully managing the political process.” (Mr. De La Sablière (France), S/PV.4844, 16 October 2003,)</p> <p>Turkey: „the willingness of the United Nations to work in partnership with the Government to assist the Iraqi people in whatever way possible remains a key element for the success of the process. This, we believe, requires a more robust and extensive United Nations presence in all phases of the forthcoming elections, including the effective monitoring of the entire process. This expected United Nations effort surely needs to be supported by the United Nations members and other international organizations, which we are simultaneously calling for. The international community must do everything within its power to avoid the recurrence of the manipulations and irregularities which marred the previous two ballotings in Iraq this year and to help ensure that, at long last, nobody will feel disenfranchised from the process.“ (Letter dated 2 December 2005 from the Permanent</p>
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		<p>Representative of Turkey to the United Nations addressed to the Secretary-General).</p> <p>Pakistan: “Pakistan’s position, both before and after the war in Iraq early this year, has been guided by our concern for the welfare of the fraternal people of Iraq and for their country. Pakistan did not support the war. In its aftermath, our concern has been to ensure the provision of humanitarian assistance to the suffering Iraqi people, to restore the security and stability of their country and to ensure the earliest restoration of its sovereignty and political independence. (...) We viewed the initiation of the resolution as an opportunity to address those concerns and to create a structure that could lead to the early restoration of Iraq’s sovereignty and political independence. We supported the resolution [1511] because, despite the complexity and contradictions of parts of the text, we believe that its fundamental objectives are the restoration of sovereignty and the transfer of authority to the people of Iraq, the improvement of the security environment, the promotion of economic reconstruction and the expeditious provision of relief.” (Mr. Akram (Pakistan), S/PV.4844, 16 October 2003)</p> <p>Great Britain: “Throughout the constructive negotiations that characterized the preparation of this resolution, the United Kingdom saw three main objectives for the resolution [resolution 1511]: first, to confirm and accelerate the transfer of power to the people of Iraq; secondly, to send a clear signal that the international community is committed to the rapid political and economic reconstruction of a free Iraq which is secure and stable; and thirdly, to ensure, as conditions permit, a strengthened, vital role for the United Nations, in partnership with the Coalition Provisional Authority and, most importantly, with the Iraqi people.” (Sir Emyr Jones Parry (United Kingdom), S/PV.4844, 16 October 2003)</p> <p>Japan: „Während sich die Mehrheit der japanischen Bevölkerung in Umfragen gegen den Irak-Krieg aussprach, unterstützte Koizumi Präsident Bush, entsandte sogar - allerdings nichtkämpfende - Soldaten der Selbstverteidigungskräfte in das Krisengebiet. Jetzt hofft Koizumi auf ein gutes Abschneiden Bushs, während laut Zeitungsumfragen mehr als die Hälfte der Japaner auf Kerry setzen und sich nur 30 Prozent für Bush aussprechen.“ ("Schneppen, Ungewöhnliche Offenheit", Frankfurter Allgemeine Zeitung, 21.10.2004, p.6, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FD2200410212521758 (accessed on 16 September 2022))</p> <p>Australia: „John Howard [Prime Minister of Australia] hatte die amerikanisch geführte Kriegskoalition im Irak gegen große Widerstände im eigenen Land unterstützt und im Wahlkampf angekündigt, die 850 australischen Soldaten so lange am Golf stationiert zu lassen, wie sie gebraucht würden. Latham hatte dagegen den vorzeitigen Abzug der australischen Truppen angekündigt.“ („Deutlicher Wahlsieg für Howard in Australien“, Frankfurter Allgemeine Zeitung, 11.10.2004, p.6, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FD1200410112509964) (accessed on 16 September 2022))</p> <p>### Saudi Arabia is disapproving the US' actions in Iraq ###</p>
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		<p>“King Abdullah of Saudi Arabia told Arab leaders on Wednesday that the American occupation of Iraq is ‘illegal,’ and he warned that unless Arab governments settle their differences, foreign powers like the United States would continue to dictate the region’s politics.” (Fattah, "Saudi King Condemns US Occupation of Iraq", The New York Times, 28.3.2007, nytimes.com/2007/03/28/world/middleeast/29saudicnd.html (accessed on 16 September 2022))</p>
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200 United Kingdom

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### The United Kingdom was part of the Multi-National-Force-Iraq. The MNF-mandate was established by Security Council Resolution 1511 (16 October 2003) and extended in Res 1546(2004), Res 1637(2005), Res 1723(2006) and Res 1790(2007). The United Kingdom relied on the MNF mandate as a legal justification for its actions. ###</p> <p>“4. UN Security Council Resolution (UNSCR) 1546 also extended the mandate of the Coalition's military force in Iraq under the title Multi-National Force-Iraq (MNF-I) and its subordinate command called Multinational Corps Iraq. Until then, Coalition forces had operated in what was known as Combined Joint Task Force 7, whose mandate derived from UNSCR 1511.” (United Kingdom House of Commons, Select Committee on Defence Sixth Report, 16 March 2005, https://publications.parliament.uk/pa/cm200405/cmselect/cmdfence/65/6504.htm#note3 (accessed on 16 September 2022))</p> <p>### For the text of the relevant UNSC resolutions see USA ###</p>

Letter sent in accordance with Art. 51 UNCh	0 – not applicable
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1.	7 enforcing a specific political system	<p>“The United States, the United Kingdom and Coalition partners are facilitating the efforts of the Iraqi people to take the first steps towards forming a representative government, based on the rule of law, that affords fundamental freedoms and equal protection and justice under law to the people of Iraq without regard to ethnicity, religion or gender.” (S/2003/538, Letter of 8 May 2003 by Permanent Representatives of US and UK to President of UNSC)</p> <p>“Throughout the constructive negotiations that characterized the preparation of this resolution [UNSC Res 1511], the United Kingdom saw three main objectives for the resolution: first, to confirm and accelerate the transfer of power to the people of Iraq (...).” (Sir Emyr Jones Parry (United Kingdom), S/PV.4844, 16 October 2003,)</p>
5.2.	3 maintenance of regional stability	<p>“The United States, the United Kingdom and Coalition partners, working through the Coalition Provisional Authority, shall inter alia, provide for security in and for the provisional administration of Iraq, including by: deterring hostilities; maintaining the territorial integrity of Iraq and securing Iraq’s borders; securing, and removing, disabling, rendering harmless, eliminating or destroying (a) all of Iraq’s weapons of mass destruction, ballistic missiles, unmanned aerial vehicles and all other chemical, biological and nuclear delivery systems [...].” (S/2003/538, Letter of 8 May 2003 by Permanent Representatives of US and UK to President of UNSC)</p> <p>“Throughout the constructive negotiations that characterized the preparation of this resolution [UNSC Res 1511], the United Kingdom saw three main objectives for the resolution: (...) secondly, to send a clear signal that the international community is committed to the rapid political and economic reconstruction of a free Iraq which is secure and stable (...).” (Sir Emyr Jones Parry (United Kingdom), S/PV.4844, 16 October 2003)</p>

5.3.	10 protection against weapons of mass destruction	“The United States of America, the United Kingdom of Great Britain and Northern Ireland and Coalition partners continue to act together to ensure the complete disarmament of Iraq of weapons of mass destruction and means of delivery in accordance with United Nations Security Council resolutions. [...] We will act to ensure that Iraq’s oil is protected and used for the benefit of the Iraqi people.” (S/2003/538, Letter of 8 May 2003 by Permanent Representatives of US and UK to President of UNSC)

	Code	Material
6. UNSC Reaction	1 approves	<i>see United States 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see United States 9</i>

325 Italy

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	### Italy was part of the Multi-National-Force-Iraq. The MNF-mandate was established by Security Council Resolution 1511 (16 October 2003) and extended in Res 1546(2004), Res 1637(2005), Res 1723(2006) and Res 1790(2007). The following statement made by the US on behalf of the MNF under unified command can be attributed to the MNF-States, including Italy.

						<p><i>Moreover, Italy referred indirectly to the MNF and the US-led coalition in its statements. (see below). ###</i></p> <p>“Having reviewed the request of the Government of Iraq to extend the mandate of the Multinational Force (MNF) in Iraq and following consultations with the Government of Iraq, I am writing to confirm, consistent with this request, that the MNF under unified command stands ready to continue to fulfil its mandate as set out in Security Council resolution 1546 (2004) and extended by Security Council resolutions 1637 (2005) and 1723 (2006).” (Annex II to UNSC Res 1790, 18 December 2007, Letter dated 10 December 2007 from the Secretary of State of the United States of America to the President of the Security Council)</p> <p>Further statements regarding Italy (which refer to the MNF-mandate and the US-led coalition): „Die italienische Regierung hat ihre Irak-Politik an der Seite der Vereinigten Staaten auch gegen Widerstände und Druck von außen nicht aufgegeben. Sie hielt selbst in schwierigen Situationen an dem Truppenkontingent im Irak fest und stellt erfolgreich diese Mission als Beitrag zum Frieden dar.“ ("Reichliche Reibungspunkte, kaum Gesprächszeit", Frankfurter Allgemeine Zeitung, 13.10.2004, p.10, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FD2200410132511790 (accessed on 16 September 2022))</p> <p>“Opposition in Italy against the war mobilized huge protests here in the last two years, as Mr. Berlusconi was forced to adopt a two-pronged strategy to justify sending troops there - a strategy that some experts say has shown signs of fraying recently on several fronts. The strategy was to portray the war as a principled stand against terrorism and with its ally, the United States, while at the same time minimizing the public cost of the war to prevent a slow erosion of public patience over that principle.” (Shanker/Horowitz, "Italy Aims to Begin Withdrawing Troops from Iraq in September", The New York Times, 15.5.2005, https://www.nytimes.com/2005/03/15/international/middleeast/italy-aims-to-begin-withdrawing-troops-from-iraq-in.html (accessed on 16 September 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see United States 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see United States 9</i>

900 Australia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2 2 2 2 2	Contestation about	Material

		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### Australia was part of the Multi-National-Force-Iraq. The MNF-mandate was established by Security Council Resolution 1511 (16 October 2003) and extended in Res 1546(2004), Res 1637(2005), Res 1723(2006) and Res 1790(2007). The following statement made by the US on behalf of the MNF under unified command can be attributed to the MNF-States, including Australia. Moreover, Australia referred indirectly to the MNF and the US-led coalition in its statements. (see below). ###</p> <p>“Having reviewed the request of the Government of Iraq to extend the mandate of the Multinational Force (MNF) in Iraq and following consultations with the Government of Iraq, I am writing to confirm, consistent with this request, that the MNF under unified command stands ready to continue to fulfil its mandate as set out in Security Council resolution 1546 (2004) and extended by Security Council resolutions 1637 (2005) and 1723 (2006).” (Annex II to UNSC Res 1790, 18 December 2007, Letter dated 10 December 2007 from the Secretary of State of the United States of America to the President of the Security Council)</p> <p><u>Further statements regarding Australia (which refer to the MNF-mandate and the US-led coalition):</u></p> <p>„John Howard [Prime Minister of Australia] hatte die amerikanisch geführte Koalition im Irak gegen große Widerstände im eigenen Land unterstützt und im Wahlkampf angekündigt, die 850 australischen Soldaten so lange am Golf stationiert zu lassen, wie sie gebraucht würden.“ (“Deutlicher Wahlsieg für Howard in Australien”, Frankfurter Allgemeine Zeitung, 11.10.2004, p.6, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FD1200410112509964 (accessed on 16 September 2022))</p> <p>„Am Morgen nach seinem [John Howards] Wahlsieg (...) Bis zuletzt hielt Howard eisern an seiner Linie fest: Die Unterstützung der amerikanisch geführten Koalition am Golf wird fortgesetzt, solange es nötig ist. Die andauernden Demonstrationen und der Gegenkurs seines Herausforderers Mark Latham von der Labor-Partei schienen seine Entschiedenheit noch zu schärfen. Im vergangenen Monat adaptierte er sogar die amerikanische "Präventivschlag"-Doktrin. Gleichwohl spricht viel dafür, daß Howard seine vierte Amtszeit nicht wegen, sondern trotz seiner Irak- und Amerika-Politik gewonnen hat. In Umfragen sprechen sich die Australier</p>

							seit Monaten mehrheitlich gegen das Engagement am Golf aus.“ (Buchsteiner, "Der Standhafte", Frankfurter Allgemeine Zeitung, 11.10.2004, p.10, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FD2200410112509748 (accessed on 16 September 2022))
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see United States 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see United States 9</i>

210 Netherlands

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					.7 validity	Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level			
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### Netherlands was part of the Multi-National-Force-Iraq. The MNF-mandate was established by Security Council Resolution 1511 (16 October 2003) and extended in Res 1546(2004), Res 1637(2005), Res 1723(2006) and Res 1790(2007). The following statement made by the US on behalf of the MNF under unified command can be attributed to the MNF-States, including Netherlands. ###</p> <p>“Having reviewed the request of the Government of Iraq to extend the mandate of the Multinational Force (MNF) in Iraq and following consultations with the Government of Iraq, I am writing to confirm, consistent with this request, that the MNF under unified command stands ready to continue to fulfil its mandate as set out in Security Council resolution 1546 (2004) and extended by Security Council resolutions 1637 (2005) and 1723 (2006).” (Annex II to UNSC Res 1790, 18 December 2007, Letter dated 10 December 2007 from the Secretary of State of the United States of America to the President of the Security Council)</p>	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable							

4. Invocation of use of force by a victim state	.1 Source	Material

0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see United States 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see United States 9</i>

230 Spain

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2 3 4 5 6	Contestation about	Material

		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### Spain was part of the Multi-National-Force-Iraq. The MNF-mandate was established by Security Council Resolution 1511 (16 October 2003) and extended in Res 1546(2004), Res 1637(2005), Res 1723(2006) and Res 1790(2007). The following statement made by the US on behalf of the MNF under unified command can be attributed to the MNF-States, including Spain. Moreover, Spain referred indirectly to the MNF and the US-led coalition in its statements. (see below). ###</p> <p>“Having reviewed the request of the Government of Iraq to extend the mandate of the Multinational Force (MNF) in Iraq and following consultations with the Government of Iraq, I am writing to confirm, consistent with this request, that the MNF under unified command stands ready to continue to fulfil its mandate as set out in Security Council resolution 1546 (2004) and extended by Security Council resolutions 1637 (2005) and 1723 (2006).” (Annex II to UNSC Res 1790, 18 December 2007, Letter dated 10 December 2007 from the Secretary of State of the United States of America to the President of the Security Council)</p> <p><u>Further statements regarding Spain (which refer to the MNF-mandate and the US-led coalition):</u></p> <p>“Spain was a resolute sponsor of the draft resolution [1511], convinced that it constituted an important step towards improving the lives of the them [the Iraqi people] and restoring to them control of their own destiny. We believe that the resolution is good news for the Iraqi people, for the region and for the United Nations. Iraq deserved — and deserves — the sincere consensus of the Security Council and its undivided support and unity. It is a people who have suffered three decades of dictatorship and who must see a better future before it. The resolution should help to achieve that.” (Mr. Arias (Spain), S/PV.4844, 16 October 2003)</p> <p>“My Government believes that United Nations activities in Iraq must effectively help in the political transition process, which should include recognition of a clear and defined temporary time period to conclude its activities. (...) My Government hopes that the agreement concluded from now on in the area of security between the interim Government and the multinational force will fully respect Iraqi sovereignty and will faithfully reflect the principle of authority that</p>

							should govern the relationship between that Government and its armed forces and security forces." (Mr. Yáñez Barnuevo (Spain), S/PV.4987, 8 June 2004)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see United States 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see United States 9</i>

290 Poland

	Code

Law invoked?	1 Yes
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### Poland was part of the Multi-National-Force-Iraq. The MNF-mandate was established by Security Council Resolution 1511 (16 October 2003) and extended in Res 1546(2004), Res 1637(2005), Res 1723(2006) and Res 1790(2007). The following statement made by the US on behalf of the MNF under unified command can be attributed to the MNF-States, including Poland. ###</p> <p>“Having reviewed the request of the Government of Iraq to extend the mandate of the Multinational Force (MNF) in Iraq and following consultations with the Government of Iraq, I am writing to confirm, consistent with this request, that the MNF under unified command stands ready to continue to fulfil its mandate as set out in Security Council resolution 1546 (2004) and extended by Security Council resolutions 1637 (2005) and 1723 (2006).” (Annex II to UNSC Res 1790, 18 December 2007, Letter dated 10 December 2007 from the Secretary of State of the United States of America to the President of the Security Council)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
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0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see United States 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see United States 9</i>

730 Republic of Korea

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2 3 4 5 6 7 8 9 10	Contestation about	Material
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		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### The Republic of Korea was part of the Multi-National-Force-Iraq. The MNF-mandate was established by Security Council Resolution 1511 (16 October 2003) and extended in Res 1546(2004), Res 1637(2005), Res 1723(2006) and Res 1790(2007). The following statement made by the US on behalf of the MNF under unified command can be attributed to the MNF-States, including the Republic of Korea. ###</p> <p>“Having reviewed the request of the Government of Iraq to extend the mandate of the Multinational Force (MNF) in Iraq and following consultations with the Government of Iraq, I am writing to confirm, consistent with this request, that the MNF under unified command stands ready to continue to fulfil its mandate as set out in Security Council resolution 1546 (2004) and extended by Security Council resolutions 1637 (2005) and 1723 (2006).” (Annex II to UNSC Res 1790, 18 December 2007, Letter dated 10 December 2007 from the Secretary of State of the United States of America to the President of the Security Council)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	1 approves	<i>see United States 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see United States 9</i>

369 Ukraine

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### Ukraine was part of the Multi-National-Force-Iraq. The MNF-mandate was established by Security Council Resolution 1511 (16 October 2003) and extended in Res 1546(2004), Res 1637(2005), Res 1723(2006) and Res 1790(2007). The following statement made by the US on behalf of the MNF under unified command can be attributed to the MNF-States, including Ukraine. ###</p> <p>“Having reviewed the request of the Government of Iraq to extend the mandate of the Multinational Force (MNF) in Iraq and following consultations with the Government of Iraq, I am</p>

							writing to confirm, consistent with this request, that the MNF under unified command stands ready to continue to fulfil its mandate as set out in Security Council resolution 1546 (2004) and extended by Security Council resolutions 1637 (2005) and 1723 (2006). " (Annex II to UNSC Res 1790, 18 December 2007, Letter dated 10 December 2007 from the Secretary of State of the United States of America to the President of the Security Council)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see United States 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see United States 9</i>

645 Iraq

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					.7 validity	Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level			
0	0	0	0	0	0	0	### Iraq did not raise any international justificatory arguments. Compared to the other parties to the conflict, Iraq acted only within its own country, which is why its actions do not have any points of contact with international law or cannot be classified as potentially contrary to international law. Therefore, there is no need for a justification on the international level. ###	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable							

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	3 unclear	<i>### The UN Security Council established the MNF mandate. However, it did not refer to potential justification arguments by Iraq, because these were not put forward (see above). ###</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	<i>### States approved the general development in Iraq (See USA 9), however, they did not refer to potential justification arguments by Iraq, because these were not put forward (see above) ###</i>

al-Qaida

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p><i>### Al-Qaida did not make any justificatory claims or legitimacy arguments regarding its actions in Iraq. However, statements made by al-Qaida are the following ###</i></p> <p><i>“the Jordanian journalist writes, ‘I interviewed a whole range of al-Qaida members with different ideologies to get an idea of how the war between the terrorists and Washington would develop in the future.’: (...) In seven phases the terror network hopes to establish an Islamic caliphate which the West will then be too weak to fight. (...) Hussein says the terrorists hope to make the western conspiracy aware of the ‘Islamic community.’ Hussein believes this is a phase in which</i></p>

						<p>al-Qaida wants an organization to develop into a movement. The network is banking on recruiting young men during this period. Iraq should become the center for all global operations, with an 'army' set up there and bases established in other Arabic states. Hussein writes that al-Qaida will aim to bring about the collapse of the hated Arabic governments. The estimate is that "the creeping loss of the regimes' power will lead to a steady growth in strength within al-Qaida'." (Musharbash, "The Future of Terrorism - What al-Qaida really wants", Der Spiegel, 8.12.2005, https://www.spiegel.de/international/the-future-of-terrorism-what-al-qaida-really-wants-a-369448.html (accessed on 16 September 2022))</p> <p>"In December 2004, Bin Laden identified the conflict in Iraq as ,a golden and unique opportunity" for jihadists to engage and defeat the United States, and he characterized the insurgency in Iraq as the central battle in a "Third World War, which the Crusader-Zionist coalition began against the Islamic nation." Describing Baghdad as "the capital of the caliphate," Bin Laden asserted that "jihad in Palestine and Iraq today is a duty for the people of the two countries" and other Muslims." (Congressional Research Service, CRS Report for Congress- al-Qaeda: Statements and Evolving Ideology, Order Code RL32759, Updated July 9, 2007, https://www.hsdl.org/?view&did=476577) (accessed on 16 September 2022))</p> <p>„Die ‚Neue Osnabrücker Zeitung‘ beleuchtet die Lage im Irak: ,(...) So entsetzlich der Terror auch ist, die Feinde des neuen Iraks haben ihre Kernziele bislang nicht erreicht. Radikale Schiiten, Sunniten aus der Saddam-Riege, Banden und arabische Extremisten von Al-Qaida bomben, köpfen und sabotieren, was sie vermögen. Der angeblich dekadente Westen könne kurze, aber keine langen Kriege gewinnen, glaubt Al-Qaida-Chef Usama Bin Ladin (...)." ("Sie fliehen nicht", Frankfurter Allgemeine Zeitung, 24.12.2004, p. 2, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FD22004122442204DOK6 (accessed on 16 September 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					
4. Invocation of use of force by a victim state	.1 Source	Material				

0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	2 disapproves	<p>### No specific reaction of the UNSC regarding al-Qaida's actions in Iraq. However, the UNSC condemned terrorist attacks taking place in Iraq in 2005 and condemned al-Qaida in general. ###</p> <p>UNSC Res 1618, 4 August 2005: "Condemns without reservation and in the strongest terms the terrorist attacks that have taken place in Iraq, and regards any act of terrorism as a threat to peace and security;"</p> <p>UNSC Res 1735, 22 December 2006: <i>[adopted unanimously]</i> "Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed; and reiterating its unequivocal condemnation of Al-Qaida, Osama bin Laden, the Taliban and other individuals, groups, undertakings, and entities associated with them, for ongoing and multiple criminal terrorist acts aimed at causing the death of innocent civilians and other victims, destruction of property and greatly undermining stability."</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p>Iraq: "The Government of Iraq requests the temporary assistance of the United States Forces for the purposes of supporting Iraq in its efforts to maintain security and stability in Iraq, including cooperation in the conduct of operations against al-Qaeda and other terrorist groups." (Article 4 of the Agreement Between the United States of America and the Republic of Iraq On the Withdrawal of United States Forces from Iraq and the Organization of Their Activities during Their Temporary Presence in Iraq (17 November 2008))</p>

		<p>„Unterdessen kritisierte der irakische Ministerpräsident Maliki amerikanische Pläne, Sunniten mit Waffen im Kampf gegen Al Qaida zu unterstützen. Die wichtigste Aufgabe seiner Regierung sei der Aufbau neuer Sicherheitskräfte: "Sie müssen die Terroristen von Al Qaida, die Saddamisten und die Milizen zurückdrängen". ("Erdogan gegen Militärschlag", Frankfurter Allgemeine Zeitung, 13.6.2007, S. 6, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FD2200706131158305 (accessed on 16 September 2022))</p> <p>United States: "Many militants are part of global borderless terrorist organizations like Al Qaida, which spreads propaganda and provides financing and technical assistance to local extremists and conducts dramatic and brutal operations like September 11th (...). We're acting, along with the governments from many countries, to destroy the terrorist networks and incapacitate their leaders. Together, we've killed or captured nearly all of those directly responsible for the September the 11th attacks, as well as some of bin Laden's most senior deputies, Al Qaida managers and operatives in more than 24 countries." ("President Bush's Speech", The New York Times, 6.10.2005, https://www.nytimes.com/2005/10/06/politics/president-bushs-speech.html (accessed on 16 September 2022))</p> <p><i>For further State Reaction see USA 9</i></p>
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Iraqi resistance

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	### The Iraqi resistance was consisting of Tandhim al-Qa'ida fi Bilad al-Rafidayn (al- Qaeda's Organisation in Mesopotamia) Jaysh Ansar al-Sunna (Partisans of the Sunna Army) Al-Jaysh al-

						<p><i>Islami fil-'Iraq (the Islamic Army in Iraq) Al-Jabha al-Islamiya lil-Muqawama al-'Iraqiya (the Islamic Front of the Iraqi Resistance) and other smaller groups.</i> (Middle East Report No. 50 by "International Crisis Group" [NGO]. "In their own Words: Reading the Iraqi Insurgency". 15.2.2006) ###</p> <p>### Neither a justificatory claim nor a legitimacy claim was raised by the Iraqi resistance movement ###</p> <p>"In trying to sort out the facts, some reporters began to seek out insurgents, like the Lebanese journalist, Zaki Chehab, political editor for the London-based Arab newspaper al Hayat. Writing in The Guardian in the fall of 2003 (...): The motivations of each strand of Iraqi resistance vary: the loyalists are driven by the loss of power; the nationalists by the desire to establish independence and security; the Islamists by their dream of returning political Islam to the Iraqi nation. These aspirations may be incompatible, but the focus of each group now is to fight together against the common enemy of Iraq-the occupying forces." (Palmer, E., London-based correspondent for CBS News, (2005). Covering the iraqi insurgency. International Journal, 61(1), 135-145)</p> <p>"It is important to recognise that the resistance was born not only of ideological, religious and patriotic convictions, but also as a response to the reality of the brutal actions of the occupation and its administration. It is a response to arbitrary break-ins, humiliating searches, arrests, detention and torture. (...) There is only one solution to this disaster, and that is for the US and Britain to accept that the Iraqi resistance is fighting to end the occupation. And to acknowledge that it consists of ordinary Iraqis, not only al-Qaida, not just Sunnis or Shias, not those terrorists - as Tony Blair called them - inspired by neighbouring countries such as Iran. To recognise that Iraqis are proud, peace-loving people, and that they hate occupation, not each other. And to understand that the main targets of the resistance are not Iraqi civilians. According to Brookings, the independent US research institute, 75% of recorded attacks are directed at occupation forces, and a further 17% at Iraqi government forces." (Zangana, "The Iraqi resistance only exists to end the occupation", The Guardian, 12.4.2007, https://www.theguardian.com/commentisfree/2007/apr/12/comment.iraq (accessed on 16 September 2022))</p> <p>"More than two and a half years after it first emerged in mid-2003, the armed opposition remains somewhat of a mystery. Both its identity [said to be a mix of rejectionists, Baathists, dead-enders and die-hards, Saddamists, Islamo- fascists, and foreign jihadi terrorists] and its objectives (a return to the status quo ante or the establishment of a Taliban-style theocracy) typically have been</p>
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						<p>assumed rather than carefully investigated and scrutinised." "(In their own Words: Reading the Iraqi Insurgency", Middle East Report No. 50 by International Crisis Group, 15.2.2006)</p> <p>"The largest armed groups have shied away from articulating genuine political programs. They limit their stated objective to expelling the occupier without any further description of what exactly will replace the current U.S.- sponsored political process. In particular, there has been neither elaborate vision of a future Islamic Republic nor extensive reference to restoring Sunni Arab rule, nor calls to revert to a pre-war status quo. (...) The shared objective simply was to prevent the U.S. from stabilising the situation, more concrete questions pertaining to the nature of a future government being left to an undefined future." "(In their own Words: Reading the Iraqi Insurgency", Middle East Report No. 50 by International Crisis Group, 15.2.2006)</p> <p>"(...). By narrowly focusing on terrorism, Bush has clouded a much larger problem, the large anti-U.S. occupation movement in Iraq and the roughly 18,000 Iraqis who are not al-Qaeda members but are arming themselves to fight U.S. occupying forces. Nationalist Iraqis fighting to throw out American forces have been lumped together with the terrorists with those whose jihadist aims are quite different from those fighting occupation of their country." (Shamoo, "Iraq and the Problem of Terrorism", 24.1.2006, Foreign Policy in Focus)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	2 disapproves	UNSC Res 1483, 22 May 2003: <i>### adopted with 14 votes, no 0, Syria not voting ###</i> "3. Appeals to Member States to deny safe haven to those members of the previous Iraqi regime who are alleged to be responsible for crimes and atrocities and to support actions to bring them to justice;" UNSC Res 1618, 4 August 2005: "Condemns without reservation and in the strongest terms the terrorist attacks that have taken place in Iraq, and regards any act of terrorism as a threat to peace and security (...)"
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<i>see United States 9</i>

62. Somalia vs. Al-Shabaab (part 1) 2006-2009

Key data

Duration: 20.12.2006 – 30.01.2009; Parties: Somalia, Ethiopia vs. Islamic Courts Union (ICU), ARS (Alliance for the Re-liberation of Somalia (successor to the ICU)), Al-Shabaab; Initiator: Ethiopia.

Islamic Courts Union (ICU)

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### The Islamic Courts Union did not raise any justificatory or legitimacy claims. However, it declared to fight a “holy war” against Ethiopia ###</p> <p>“In June 2006 the Union of Islamic Courts (UIC) took control of much of southern and central Somalia, including the capital, Mogadishu, but not Puntland and Somaliland. They declared and tried to establish an Islamic State. Somalis were told to comply with stringent Islamic rules or face harsh</p>

							<p>punishment. (...) On 21 July, the UIC declared a ‘holy war’ against Ethiopia.” (Zeray W. Yihdego, “II. Ethiopia’s Military Action against the Union of Islamic Courts and Others in Somalia- Some Legal Implications,” 56 International and Comparative Law Quarterly 2007, No. 3, pp. 666-676)</p> <p>“Over the past few months, the Islamist clerics in Somalia have threatened Ethiopia for supporting their rivals, the internationally recognized transitional government. On Saturday, after several days of heavy internal fighting, Islamist leaders announced that Somalia was now open to Muslim fighters around the world who wanted to wage a holy war against Ethiopia, a country with a long Christian history, even though it is about half Muslim.” (Jeffrey Gettleman, “Ethiopia Hits Somalia Targets Declaring War”, The New York Times, 25.12.2006, https://www.nytimes.com/2006/12/25/world/africa/25somalia.html (accessed on 20 November 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
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6. UNSC Reaction	3 unclear	<p>### <i>The UN Security Council emphasizes that the ICU (as well as the Somali Transitional Federal Government as another party to the conflict) should settle the conflict and find a solution through political dialogue. Furthermore, the expansion of the ICU's influence is considered to be a threat to the transitional federal institutions. However, there is no explicit condemnation of the ICU's actions by the UNSC. Therefore, the Security Council's position remains unclear.</i>###</p> <p>Report of the Secretary General on the situation in Somalia, 23. October 2006 (S/2006/838): “4. The rapid expansion of the influence of the Islamic Courts has posed a serious threat to the transitional federal institutions, which already faced difficulties in extending their authority beyond Baidoa, the interim seat of the Transitional Federal Government.”</p> <p>UNSC Res 1725, 6 December 2006: <i>“Calling</i> upon the Union of Islamic Courts to cease any further military expansion and reject those with an extremist agenda or links to international terrorism, <i>Urging</i> both the Transitional Federal Institutions and the Union of Islamic Courts to unite behind and continue a process of dialogue, recommit to the principles of the 22 June 2006 Khartoum Declaration and the agreements made at the 2-4 September 2006 Khartoum meeting, and establish a stable security situation inside Somalia, (...) <i>emphasizes</i> the need for continued credible dialogue between the Transitional Federal Institutions and the Union of Islamic Courts, [...]”</p>
7. UNGA Reaction	4 no reaction	<p>General Assembly Resolution 311 (XXVIII), 12 December 1973:</p> <p>„The General Assembly (...) 3. Strongly condemns South Africa for its persistent refusal to withdraw from the international Territory of Namibia and for its efforts to consolidate its illegal occupation by intensified repression and by the imposition of its policies of apartheid and the fragmentation of the Territory into “Bantustans” in total disregard of the wishes of the people of Namibia, the decisions and resolutions of the United Nations and the advisory opinion of the International Court of Justice of 21 June 1971; 4. Demands the immediate withdrawal by South Africa of all its military and police forces and its administration from Namibia so as to enable the Namibian people to achieve freedom and independence”</p> <p>UNGA Resolution 399 (XXX), 26 November 1975:</p> <p>“The General Assembly (...) 5. Strongly condemns South Africa for its persistant refusal to withdraw from Namibia and for its manoeuvres to consolidate its illegal occupation by organizing a so called constitutional conference with a view to creating divisions among ethnic groups and furthering its policies of bantustanization 6. Strongly condemns the military biold-up by South Africa in Namibia and the forceful removal of Namibians from the Northern border for military purposes”.</p> <p>UNGA Resolution A/RES 31/146, 20 December 1976:</p>
8. ICJ Reaction	4 no reaction	

<p>9. State Reaction</p>	<p>3 unclear</p>	<p><i>### The State reaction regarding the ICU is unclear, as there are no explicit statements by other States regarding the ICU. However, some States are funding the ICU ###</i></p> <p>Eritrea, Iran, Syria and Egypt: “Many countries, such as Eritrea, Iran, Syria and Egypt, and other groups like the Hezbollah militia, foreign fighters from around the world and Ethiopian rebels, supported by some rich individuals from Gulf States and Saudi Arabia, have helped the UIC.” (Zeray W. Yihdego, “II. Ethiopia’s Military Action against the Union of Islamic Courts and Others in Somalia- Some Legal Implications,”⁵⁶ International and Comparative Law Quarterly 2007, No. 3, pp. 666-676)</p> <p>Egypt, Djibouti, Saudi-Arabia, Iran, Yemen, Sudan: „Die Scharia-Gerichtshöfe genießen die politische und auch finanzielle Unterstützung muslimisch geprägter Staaten wie Ägypten, Djibouti, Saudi-Arabien, Iran, dem Jemen und Sudan. Die Vereinigten Staaten stehen dagegen auf der Seite des christlich geprägten Äthiopien.“ („Horn von Afrika, Ein Stellvertreterkrieg in Somalia“, Frankfurter Allgemeine Zeitung, 28.12.2006, p. 1, https://www.faz.net/aktuell/politik/ausland/horn-von-afrika-ein-stellvertreterkrieg-in-somalia-1383036.html (accessed on 20 November 2022))</p> <p>United States: <i>### The United States want to weaken the Islamic Courts Union. However, no explicit statement regarding the ICU is made by the United States ###</i></p> <p>„Ziel der amerikanischen Regierung ist es, die Union der Scharia-Gerichtshöfe zu schwächen und möglichst zu schlagen, ohne sich selbst militärisch zu engagieren (...).“ („Ein Stellvertreterkrieg in Somalia“, FAZ, 28.12.2006 S. 1)</p> <p>European Union: <i>### The European Union is calling on all parties to refrain from the war and condemns the overall fighting, however, no clear statement regarding the ICU is made.###</i></p> <p>“The European Commissioner for development for humanitarian aid, Louis Michel, expressed today the deepest concern of the European Union at the deteriorating security situation in Somalia and the risk of an imminent conflict between the Transitional Federal Government and the Supreme Council of Islamic Courts. He said: ‘I call upon all parties to refrain from engaging in a war that cannot be won by anyone. The spoilers and warmongers of all sorts that seek conflict in order to prevail militarily are fooling themselves as well as the Somali people. The Somali people are tired of war and violence. They crave and deserve peace, security and development for their country, and a chance to build decent livelihoods and a future for their children. A new war in Somalia will have tragic consequences not just for the people of Somalia but for the whole region and beyond. We simply cannot afford for that to happen.’” (European Commission, “European Commission calls for immediate resumption of talks in order to avoid a new war in Somalia”, 16 December 2006)</p>
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		<p>“1. Strongly condemns the recent fighting in the southern districts of the capital Mogadishu and elsewhere in the country, which resulted in the loss of life of numerous innocent Somali;</p> <p>2. Appeals to the radical Islamists to refrain from any action likely to escalate the current humanitarian crisis and to the forces of the TFG and the Ethiopian forces to enforce the security of the civilians within the framework of the human rights standard, and to pursue the path of dialogue and reforms within the legal framework of the Transitional Federal Institutions (TFI) in accordance with the Transitional Federal Charter; [...]”(European Parliament, “European Parliament Resolution on Somalia”, 13 November 2007)</p>
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Harakat Al-Shabaab al-Mujahideen (Al-Shabaab)

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### Al-Shabaab is a splinter group of the Islamic Courts Union (ICU) and is listed as a conflict party since 2008. No justificatory or legitimacy claims raised by Al-Shabaab. However, reasons for Al-Shabaab’s actions are the following: ###</p> <p>“Seeking to establish a Wahabi-style fundamentalistic Islamic State in Somalia in the area under their control, Shahaab militants instituted a strict version of Islamic law, terrorized the population, and obstructed the delivery of humanitarian assistance.” (Jean-Christophe Martin, “The Ethiopian</p>

							<p>Military Intervention in Somalia—2011”, in: Tom Ruys, Olivier Corten, “The Use of Force”, 2018, p. 803)</p> <p>“The Shabab have been terrorizing much of Somalia for years, instituting a harsh form of Islamic law in the territory they control and blocking Western aid groups from working in their areas during a time of famine. But the Shabab are now stretched very thin, with three of their major strongholds in the cross hairs of opposing forces.” (Jeffrey Gettleman, “Ethiopian Troops Said to Enter Somalia, Opening New Front Against Militants”, The New York Times, 20.11.2011, https://www.nytimes.com/2011/11/21/world/africa/ethiopian-troops-enter-somalia-witnesses-say.html (accessed on 20 November 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	2 disapproves	### The following statements refer to the activities of Al-Shabaab during the entire conflict, including Part 2 of the conflict. Therefore, later resolutions of the UNSC are also listed ###

		<p>### <i>The UNSC condemned the attacks by Al-Shabaab and stated that Al-Shabaab constitutes a terrorist threat to Somalia and the international community</i> ###</p> <p>UNSC Res 2036, 22 February 2012: “Reiterating its condemnation of all attacks on the Transitional Federal Government, the African Union Mission in Somalia (AMISOM), United Nations personnel and facilities, and the civilian population by armed opposition groups, and foreign fighters, particularly Al-Shabaab, and stressing that Somali armed opposition groups and foreign fighters, particularly Al-Shabaab, constitute a terrorist threat to Somalia, and the international community, <i>Noting</i> the announcement that Al-Shabaab has joined Al Qaeda, stressing that there should be no place for terrorism or violent extremism in Somalia and <i>reiterating</i> its call upon all opposition groups to lay down their arms [...].”</p> <p>UNSC Res 2520, 29 May 2020: “Reiterating that Al-Shabaab poses a serious threat to the stability of Somalia and its neighbours, condemning Al-Shabaab attacks in Somalia and beyond, expressing deep concern at the loss of civilian life from Al-Shabaab attacks, [...].”</p> <p>### <i>The UN Security Council Committee on Somalia and Eritrea listed Al-Shabaab as an entity pursuant to paragraph 8 of resolution 1844(2008) (in which entities are listed which threaten the peace, security and stability of Somalia)</i> ###</p> <p>“The Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, today, 12 April 2010 listed the following individuals and entity pursuant to paragraph 8 of resolution 1844 (2008): (1) AL-SHABAAB (...).” (UNSC Press Release SC/9904, 12 April 2010)</p> <p>UNSC Res 1844, 20 November 2008: “8. Decides (...) that the provisions of 3 and 7 above shall apply to entities, designated by the Committee; (a) as engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti Agreement of 18 August 2008 or the political process, or threaten the TFIs or AMISOM by force; (b) as having acted in violation of the general and complete arms embargo reaffirmed in paragraph 6 above; (c) as obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia; [...].”</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	### <i>International condemnation of Al-Shabaab:</i>

	<p>“The 2011 Ethiopian offensive occurred during a period when international condemnation of Al-Shabaab was high. For instance, the jihadist group was already targeted by Security Council’s sanctions (...). Furthermore, the African Union peacekeepers were fighting the group in Mogadishu and Kenyan forces were also engaged in the fight against Al-Shabaab in southern Somalia.” (Jean-Christophe Martin, “The Ethiopian Military Intervention in Somalia—2011”, in: Tom Ruys, Olivier Corten, “The Use of Force”, 2018, p. 803)</p> <p><i>### Al-Shabaab is listed as a terrorist organization by the United States, Australia, Norway, New Zealand, Canada, United Kingdom, United Arab Emirates and Singapore ###</i></p> <p>United States: “On 29 February 2008, the US government designated Al-Shabaab as a Foreign Terrorist Organization under Section 219 of the Immigration and Nationality Act (as amended) and as a Specially Designated Global Terrorist under Section 1(b) of Executive Order 13224 (as amended) (Al-Shabaab, the National Counterterrorism Centre).” (Shuriye, A. O., “Policies and views of the UN and western nations on Al-Shabaab and its recruitment strategies”, Review of European Studies 2012, 4(1), p. 220-229)</p> <p>United Kingdom: “In the first week of March 2010, British government added Somali Al-Shabaab group to their respective list of proscribed terror groups.” (Shuriye, A. O., “Policies and views of the UN and western nations on Al-Shabaab and its recruitment strategies”, Review of European Studies 2012, 4(1), p. 220-229)</p> <p>Australia: “The Australian government has listed Al-Shabaab as a terrorist organization in August 21, 2009, under the Division 102 of the Criminal Code and the Charter of the United Nations Act.” (Shuriye, A. O., “Policies and views of the UN and western nations on Al-Shabaab and its recruitment strategies”, Review of European Studies 2012, 4(1), p. 220-229)</p> <p>Canada: “The government of Canada listed Al-Shabaab as a terrorist organization effective March 5, 2010, pursuant to the Criminal Code of Canada. Prior to this announcement it was reported that in early 2009.” (Shuriye, A. O., “Policies and views of the UN and western nations on Al-Shabaab and its recruitment strategies”, Review of European Studies 2012, 4(1), p. 220-229)</p> <p>“The Canadian Minister of Public Safety detailed the fact that [Al-Shabaab is listed as a terrorist organization]: ‘The government received reports from the Somali community that Al-Shabaab has attempted to radicalize and recruit young Canadians. The listing of Al-Shabaab will help the government of Canada to better support the Somali community of Canada.’ (Public Safety Canada, 2010) The Canadian government further acknowledged that Al-Shabaab is the strongest, best organized, financed and armed military group in Somalia, and it controls the largest stretch of territory in Southern Somalia.</p>
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	<p>'An Islamist group dedicated to establishing a Somali caliphate, waging jihad against the enemies of Islam, and removing all foreign forces and Western influence from Somalia. It is today the strongest, best organized, financed and armed military group in Somalia, and it controls the largest stretch of territory in Southern Somalia.' (BBC News, 2010)" (Shuriye, A. O., "Policies and views of the UN and western nations on Al-Shabaab and its recruitment strategies", Review of European Studies 2012, 4(1), p. 220-229)</p> <p><i>### Further States condemning Al-Shabaab ###</i></p> <p>Somalia and Kenya: "That Al-Shabaab constitutes a threat to both Somalia and Kenya and is therefore a common enemy for the entire region and the world. This threat must be fought jointly by the two nations with support from the international community; [...]" (Kenya, Ministry of Foreign Affairs, Joint Communique, Prime Minister of the Republic of Kenya and the Prime Minister of the Transitional Federal Government of Somalia, 31 October 2011, https://web.archive.org/web/20111130172143/http://www.mfa.go.ke/index.php?option=com_content&view=article&id=399%3Ajoint-communique&catid=35%3Anews (accessed on 01 September 2022))</p> <p>" President of the Transitional Federal Government of Somalia said: (...) His country, in particular, had been witnessing the alarmingly increasing extremist tendencies of Al-Shabaab and Hizbul Islam, with the former openly boasting about its allegiance to Al-Qaida and seeking to establish in the Horn of Africa a terrorist hub to 'wreak havoc in the region and beyond'." (UNGA, 65th session, 25.09.2010, Statement Summary, Statement by Somalia (Sheikh Sharif Skeikh Ahmed, President)).</p> <p>African Union and United Nations: "Security gains continue to be made against Al-Shabaab (...). At the initiative of the African Union Commission, and against the background of the recent progress on the political and security tracks, African Union and United Nations planners jointly developed a strategic concept for future AMISOM operations in Somalia. The concept aims at joining all ongoing separate military operations in Somalia into a coordinated and coherent effort against Al-Shabaab (...)." (S/2012/74, UNSC Special report of the Secretary General on the situation in Somalia)</p> <p>IGAD (Intergovernmental Authority on Development (Djibouti, Ethiopia, Somalia, Eritrea, South Sudan, Sudan, Kenya, Uganda)): "2. Strongly condemns the destabilization activities of the Al Shabaab and other militant groups in Somalia and the Region;" (IGAD, Communiqué of the 19th Extraordinary Session of the IGAD Assembly of Heads of State and Government on the situation in Somalia and a briefing on the outstanding issues of the Sudan comprehensive peace agreement, 25 November 2011)</p> <p>"The Intergovernmental Authority on Development (IGAD) condemns in the strongest terms possible the recent terrorist wave of attacks perpetrated by the Al Shabab terror group against the African Union peace-keeping forces present in Somalia, the</p>
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		Somali national military forces, Somali officials, and the peace loving Somali people [...]” (IGAD, Press Statement, “IGAD condemns the Recent wave of Terrorist Attacks in Somalia”, 30.06.2015)
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530 Ethiopia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	2 No	1 Yes	2 No	1 Yes	2 No	<p>### Ethiopia occupied Somalia in December 2006 in order to fight the Islamic Courts Union as a measure of self-defence (See: the following claims). The occupation ended two years later, in January 2009 and Ethiopia withdrew its troops from Somalia. Note: From 2009 until 2011 neither Ethiopia nor any other conflict party was formally fighting Al-Shabaab. However, Ethiopia re-entered Somalia in 2011 (See: Conflict Part 2) ###</p> <p>### The substance of a right of self-defence against non-state actors is contentious with regard to its general scope ###</p> <p>“In an official statement, Prime Minister Meles Zenawi said that his Government had taken self-defensive measures and started counter-attacking the aggressive extremist forces of the Islamic Courts and foreign terrorist groups.” (S/2007/115, 28 February 2007, UN Security Council, Report of the Secretary- General on the Situation in Somalia, para. 5.)</p>

						<p>“Ethiopian Information Minister Berhan Hailu later said: ‘The Ethiopian government has taken self-defensive measures and started counter-attacking the aggressive extremist forces of the Islamic Courts and foreign terrorist groups.’” (“Ethiopia admits Somalia offensive”, BBC News, 24.12.2006, http://news.bbc.co.uk/2/hi/africa/6207427.stm (accessed on 01 September 2022))</p> <p>“Ethiopia repeatedly argued that its intervention was justified by invitation of the internationally recognized government of Somalia and its inherent right to individual and collective self-defense under the Charter of the United Nations.” (Allo, A., “Counter-intervention, invitation, both, or neither an appraisal of the 2006 Ethiopian military intervention in Somalia.”, Mizan Law Review 2009, 3(2), p. 201-239 (214))</p> <p>“(…) it is obvious that the Ethiopian military action in Somalia cannot be justified as a collective self-defence consistent with the UN Charter. Somalia was not under attack from a third country, and it did not declare itself to be a victim of an armed attack from outside forces.” (Khayre, A. M., “Self-defence, intervention by invitation, or proxy war: The legality of the 2006 Ethiopian invasion of Somalia”, African Journal of International and Comparative Law (2014), 22(2), pp. 208-233)</p> <p>“Although Ethiopia did not insist on the existence of a significant armed attack, without ruling out the fact that an armed attack existed, it claimed that a combinations of four factors have created a condition of ‘clear and present danger’ against its territorial integrity and political independence: a) the presence of Eritrean troops, a country with an entirely non-Somali agenda in Somalia; b) the consolidation of power in the hands of radical Islamic militants part of whom Ethiopia considers as ‘terrorists’ with the manifest intention of annexing Somali speaking region of Ethiopia; c) UIC’s declaration of a holy war against Ethiopia; and d) the presence of armed Ethiopian and other foreign forces working with common design and purpose with the UIC.” (Allo, A. K., “Ethiopia’s armed intervention in Somalia: The legality of self-defense in response to the threat of terrorism”, Denver Journal of International Law and Policy (2010), 39(1), pp. 139-168)</p> <p>“Ethiopia relied on a number of reasons as justifications for its military intervention in Somalia, on which this short comment will focus: the inherent right to self-defence; a terrorist threat; intervention by invitation; the protection of the right to self-determination of the Ethiopian Somalis, amongst others.” (Zeray W. Yihdego, “II. Ethiopia’s Military Action against the Union of Islamic Courts and Others in Somalia- Some Legal Implications,” 56 International and Comparative Law Quarterly (2007), No. 3, pp. 666-676)</p>
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Letter sent in accordance with Art. 51 UNCh	2 no
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2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<p>### Invitation by the Transitional Federal Government of Somalia as a justification for Ethiopia's intervention ###</p> <p>"Meles Zenawi [Prime Minister]: I think we should get the facts straight first. We did not invade Somalia. We were invited by the duly constituted government of Somalia, internationally recognised government of Somalia to assist them in averting the threat of terrorism." (Andrew Simmons interview with the Ethiopian Prime Minister, Meles Zenawi, Aljazeera English, 18 March 2007, https://www.youtube.com/watch?v=EZh3ppcedBc (Min: 0.50); https://www.aljazeera.com/news/2007/3/26/interview-meles-zenawi, accessed on 01 September 2022))</p> <p>"Ethiopia repeatedly argued that its intervention was justified by invitation of the internationally recognized government of Somalia and its inherent right to individual and collective self-defense under the Charter of the United Nations." (Allo, A., "Counter-intervention, invitation, both, or neither an appraisal of the 2006 Ethiopian military intervention in Somalia.", Mizan Law Review 2009, 3(2), pp. 201-239 (214))</p> <p>"Ethiopia relied on a number of reasons as justifications for its military intervention in Somalia, on which this short comment will focus: the inherent right to self-defence; a terrorist threat; intervention by invitation; the protection of the right to self-determination of the Ethiopian Somalis, amongst others." (Zeray W. Yihdego, "II. Ethiopia's Military Action against the Union of Islamic Courts and Others in Somalia- Some Legal Implications," 56 International and Comparative Law Quarterly (2007), No. 3, pp. 666-676)</p>

						<p>1.4. Contestation about Application <i>### There is no statement from any other State denying that Somalia could issue a valid invitation, rather there is silence on the matter.</i> <i>However, some scholars deny that the Transitional Government could issue a valid invitation, as the TFG is said to lack effective control of the Somali' people and territory, and as it is said to lack legal authority to speak for the Somali State.###</i></p> <p>“Though President Yusuf’s Government is not constitutionally elected, it has enjoyed a support and recognition from the international community. However, it was very weak, with control only of a tiny area of the country until the beginning of the Ethiopian military offensive. It was the UIC which held control of much of central and southern Somalia. The UIC also managed to maintain stability in the capital and other major cities/towns which were under its control. In such a fragile situation and in a crisis mainly of an internal nature, military intervention by invitation may be very controversial indeed, in particular as a justification for the deployment of troops into the territory of sovereign Somalia.”</p> <p>(Zeray W. Yihdego, “II. Ethiopia’s Military Action against the Union of Islamic Courts and Others in Somalia- Some Legal Implications,” 56 International and Comparative Law Quarterly (2007), No. 3, pp. 666-676)</p> <p>“In the context of Somalia, none of the two factions [the TGF and the ICU] satisfy the triple requirements of legitimacy, effectiveness and recognition. None of these parties claimed legitimacy over the other as none of them was product of a freely and fairly contested election. Whereas the UIC was in a better position as far as control of the larger proportion of the Somali territory is concerned, the TFG commanded substantial level of recognition among the international community.[...] Although the TFG had sufficient level of international recognition, it lacked the legal authority to speak for the Somali State. Even if it was a government that met the test of both legitimacy and recognition, the lack of effective control of the Somali territory strips it of the right to request assistance and denies third States the right to intervention.”</p> <p>(Allo, A., “Counter-intervention, invitation, both, or neither an appraisal of the 2006 Ethiopian military intervention in Somalia.”, Mizan Law Review 2009, 3(2), 201-239 (214))</p>
<p>Letter sent in accordance with Art. 51 UNCh</p>	<p>0 – not applicable</p>					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	<p>### No reaction to Ethiopia's intervention, neither by the Security Council, the UNGA, the African Union nor by individual States ###</p> <p>"What is interesting, also striking as odd, is the silence of the Security Council, the General Assembly of the UN, and the African Union in the face of what seems to be a disproportionate use of force against the territorial integrity and political independence of Somalia."</p> <p>(Allo, A. K., "Ethiopia's armed intervention in Somalia: The legality of self-defense in response to the threat of terrorism", Denver Journal of International Law and Policy 2010, 39(1), pp. 139-168)</p> <p>"Within that frame, the article seeks to reflect on the failed state scenario of Somalia and the silence of the international community (UN, AU, EU, individual states) in the face of Ethiopia's intervention and what that silence says about Ethiopia's action in particular and the evolution of the law of self-defense in general."</p>

	<p>(Allo, A. K., "Ethiopia's armed intervention in Somalia: The legality of self-defense in response to the threat of terrorism", Denver Journal of International Law and Policy 2010, 39(1), pp. 139-168)</p> <p><i>### Many States, e.g. the United States, are demanding a diplomatic solution. ###</i></p> <p>"When the exiled government of Somalia exercised its sovereignty by inviting Ethiopian troops to help drive away the Islamic Courts, many countries, including the United States, attempted to thwart the process by demanding a diplomatic solution." ("No Compromise with Extremists", The New York Times, 27.02.2007, https://www.nytimes.com/2007/02/27/opinion/27iht-edmainen.4735945.html (accessed on 20 November 2022))</p> <p><i>### The United States tacitly support Ethiopia's actions ###</i></p> <p>"The United States on Tuesday signaled its support for the Ethiopian offensive in Somalia, calling it a response to 'aggression' by Islamists who have since the summer been consolidating power in the country. (...) The Ethiopian military presence in Somalia, while tacitly blessed by Washington, has nonetheless been awkward for American officials. They have publicly urged a return to peace talks by warring Somali factions, but some officials have also said an Ethiopian invasion could be the only factor to prevent the Islamists' complete takeover of Somalia."</p> <p>(Mark Mazzetti, "US Signals Backing for Ethiopian Incursion into Somalia, The New York Times, 27.12.2006, https://www.nytimes.com/2006/12/27/world/africa/27africa.html (accessed on 20 November 2022))</p> <p>"American officials acknowledged that they tacitly supported Ethiopia's approach because they felt it was the best way to check the growing power of the Islamists, whom American officials have accused of sheltering terrorists tied with Al Qaeda." (Jeffrey Gettleman, "Ethiopia Hits Somalia Targets Declaring War", The New York Times, 25.12.2006, https://www.nytimes.com/2006/12/25/world/africa/25somalia.html (accessed on 20 November 2022))</p>
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520 Somalia (Transitional Federal Government)

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### Somalia did not raise any international justificatory arguments. As Somalia acted only within its own country, its actions do not have any points of contact with international law or cannot be classified as potentially contrary to international law. Therefore, there is no need for a justification on the international level ###</p> <p>### Note: The Transitional National Government of Somalia was the internationally recognized central government of Somalia from 2000-2004. In 2004, the TNG's predecessor, the Transitional Federal Government (TFG) was formed in Nairobi, which was the internationally recognized provisional government of the Republic of Somalia from 2004 until 2012 ###</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	5 no reaction	<i>### The UNSC did not refer to potential justification arguments by Somalia, because these were not put forward (see above) ###</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	<i>### States did not refer to potential justification arguments by Somalia, because these were not put forward (see above) ###</i>

63. Eastern Congo Offensive 2009

Key data

Duration: 01.2009 – 09.2009; Parties: Rwanda, DR Congo vs. FDLR; Initiator: Rwanda, DR Congo.

571 Rwanda

	Code
Law invoked?	2 No

1. Justificatory claim	2 Source of law	Contestation about					Material
		3 facts	4 interpretation	5. exceptional circumstances	6 abstr. gen. level	7 validity	
0	0	0	0	0	0	0	### This is a situation of invitation, where Rwanda operates in the DR Congo in a joint military mission and at the invitation of the Congolese government. However, there is no statement of the government of Rwanda to that effect. So while this is in all likelihood such a situation, it could not be coded as such. ###
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	12 other (Combating conscription of child soliders)	<p>At 6114th UNSC meeting, 29 April 2009, S_PV-6114 (Resumption):</p> <p>“The issue of children and armed conflict is a symptom of the failure to comprehensively address the causes of conflict and to utilize existing mechanisms for the prevention of conflict. If we are to adequately address this scourge it is imperative that we utilize the mechanisms we have in place to address the causes of conflict and to prevent conflicts from arising in the first place.</p> <p>Allow me to address a few specific issues in the Secretary-General’s report (S/2009/158). The report acknowledges the significance of concluded “Umoja Wetu” joint operations between the Governments of the Democratic Republic of the Congo and Rwanda. These operations have greatly undermined the capabilities of the Forces démocratiques de libération du Rwanda (FDLR) and its sub-groups and have led to the reintegration of the Congrès national pour la défense du peuple (CNDP) into the Congolese Armed Forces. But, most important, they have resulted in the repatriation of refugees held hostage by the FDLR and its sub-groups, many of whom were child combatants. However, the FDLR and its sub-groups, which are listed in the report as persistent offenders, continue to forcibly recruit children into their ranks and commit serious crimes, including sexual violence.</p> <p>My delegation calls upon the international community, through the Security Council and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), to support and build upon the progress made by the Governments of the Democratic Republic of the Congo and Rwanda and to utilize the targeted measures, including sanctions, at its disposal to eliminate the threat posed by the FDLR and its sub-groups.”</p>

	Code	Material
6. UNSC Reaction	5 no reaction	

7. UNGA Reaction	4 no reaction	<i>see DR Congo 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	

490 DR Congo (FARDC)

Code	
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<i>### Note: the operation took place on Congolese territory. It would therefore be plausible for the DR Congo to not invoke any justificatory claims at all.</i>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material

0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	<p>Press Statement SC/9633-AFR/1833, 9 April 2009</p> <p><i>### as this is only a press statement, it cannot be coded as manifesting a reaction of the Security Council as such. However, this statement is now used below to serve as the basis for State reactions by the Member States of the Council at the time. ###</i></p>
7. UNGA Reaction	4 no reaction	<p>Human Rights Council – Joint report of seven UN experts on the situation in the DR Congo, A/HRC/13/63:</p> <p>“The experts find that the human rights situation has not improved since their initial report and remains serious [...]. Members of [FARDC] ... have been reported as being responsible for summary executions, sexual violence, torture and ill-treatment.” (page 2)</p> <p>“FARDC [...] have committed serious human rights violations and grave breaches of international humanitarian law. Violations committed by members of State security forces include: summary executions; sexual and gender-based violence; torture and other cruel, inhuman or degrading treatment or punishment; arbitrary arrest and detention; forced labour and extortion. Some of the FARDC violations were perpetrated in the context of Kimia II operation against the FDLR armed group that started in February 2009. This operation is being conducted with logistical and, in some instances, operational support of MONUC. According to the United Nations Joint Human Rights Office in the Democratic Republic of the Congo, between May and September 2009, FARDC troops engaged in the Kimia II operation summarily executed at least 62 people around Nyabiondo (North Kivu) [...]</p> <p>At the end of his visit, the Special Rapporteur on summary, extrajudicial or arbitrary executions concluded that “from a human rights perspective, [Kimia II] has produced catastrophic results. Hundreds of thousands have been displaced, thousands raped, hundreds of villages burnt to the ground, and at least 1,000 civilians killed” (page 8 f.)</p>

		<p>"FARDC continues to be the major perpetrator of sexual violence. In North Kivu, an assistance provider for victims of sexual violence recorded a total of 3,106 cases between January and July 2009; half of these cases were perpetrated by FARDC members. Attacks on the civilian population by armed actors are frequently accompanied by sexual atrocities." (page 10)</p> <p>"Accounts reveal that women and girls have been abducted and held as sexual slaves both by FARDC members and other armed actors, and have been subject to collective rapes for weeks and months, often accompanied by additional atrocities." (page 11)</p> <p>"Although the process of dismantling armed groups and integrating their members represents a unique opportunity to systematically identify and release children, there are grave concerns that many children have passed into the ranks of the newly integrated brigades and that a number of FARDC commanders have blocked the separation of children from their troops." (page 12)</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approve	<p>Press Statement SC/9633-AFR/1833, 9 April 2009</p> <p>"The members of the Security Council heard a briefing by the Special Representative of the Secretary-General, Alan Doss, on the situation in the Democratic Republic of the Congo.</p> <p>The members of the Security Council commended the improvement of the relationship among the countries of the region and encouraged them to continue reinforcing their political, military and economic cooperation in order to guarantee the long-term stabilization of the Great Lakes region. They recalled that operations against illegal armed groups should be planned jointly with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and in accordance with international humanitarian, human rights and refugee law, and should include appropriate measures to protect civilians.</p> <p>The members of the Security Council welcomed the announcement on 23 March 2009 of the agreement reached between the Congolese Government and the Congrès national pour la défense du peuple (CNDP) and commended the role played by the Special Envoy of the Secretary-General for the Great Lakes Region, Olusegun Obasanjo, and his co-facilitator Benjamin Mkapa. They noted the progress made in integrating the Congolese armed groups into the Armed Forces of the Democratic Republic of the Congo (FARDC) and stressed the importance of the security sector reform. The members of the Security Council gave their support to operations jointly planned and conducted by FARDC and MONUC against the Forces Démocratiques de Libération du Rwanda (FDLR), the Lord's Resistance Army and other armed groups. They welcomed the progress achieved in the disarmament, demobilization, repatriation, resettlement and reintegration programme and urged the remaining elements of FDLR to join this process without delay. The members of the Security Council called on all parties to resume their participation in the Goma and Nairobi processes. They also looked forward to the organization of transparent local elections.</p> <p>The members of the Security Council expressed their grave concern about the continued population displacement and the massive violations of human rights. They were especially dismayed by reports of widespread sexual violence and continued</p>

		<p>recruitment of minors into armed groups, and stressed the urgent need to end impunity for those responsible for these violations of human rights and international humanitarian law.”</p> <p>Member States at the time: USA, France, UK, Russia, China, Burkina Faso, Lybia, Uganda, Vietnam, Japan, Costa Rica, Mexico, Austria, Turkey, Croatia</p>
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Democratic Forces for the Liberation of Rwanda (F.D.L.R)

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material

0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	2 disapproves	<p>Press Statement SC/9633-AFR/1833, 9 April 2009</p> <p><i>### as this is only a press statement, it cannot be coded as manifesting a reaction of the Security Council as such. However, this statement is now used below to serve as the basis for State reactions by the Member States of the Council at the time.###</i></p> <p>Resolution 1906 (2009) [in relevant part, also as pertaining to FARDC] [As per the draft submitted by France, adopted unanimously] “[...] <i>Deeply concerned</i> that some militias and armed groups in the eastern part of the Democratic Republic of the Congo have not yet laid down their arms and continue to prey on the population, <i>Expressing its extreme concern</i> at the deteriorating humanitarian and human rights situation and the continued impunity of those responsible for human rights abuses and other atrocities, condemning, in particular, the targeted attacks against the civilian population [...] <i>Expressing its full support</i> for the Mission [MONUC], condemning all attacks against United Nations peacekeepers and humanitarian personnel, regardless of the perpetrators, and emphasizing that those responsible for such attacks must be brought to justice, [...] <i>Determining</i> that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region, <i>Acting</i> under Chapter VII of the Charter of the United Nations, [...] 3. <i>Urges</i> the Government of the Democratic Republic of the Congo to establish sustainable peace in the eastern part of the country, to effectively protect the civilian population, to develop sustainable security sector institutions which fully respect the</p>

		<p>rule of law, and to ensure respect for human rights and the fight against impunity by strengthening the capacity of the judicial and correctional systems; [...]</p> <p>10. <i>Demands</i> that all armed groups, in particular the Forces democratiques de libération du Rwanda and the Lord's Resistance Army, immediately cease all forms of violence and human rights abuse against the civilian population in the Democratic Republic of the Congo, in particular gender-based violence, including rape and other forms of sexual abuse; [...]</p> <p>15. <i>Demands</i> that all armed groups, in particular the Forces democratiques de libération du Rwanda and the Lord's Resistance Army, immediately stop recruiting and using children and release all children associated with them, [...]</p> <p>17. <i>Calls upon</i> the States in the region to ensure that any military actions against armed groups are carried out in accordance with international humanitarian, human rights and refugee law and that they take appropriate measures to protect civilians and reduce the impact of military actions upon the civilian population, [...]</p> <p>19. <i>Demands</i> that all armed groups, in particular the Forces democratiques de libération du Rwanda, the Lord's Resistance Army and other foreign armed groups, immediately lay down their arms, and demands further that the Congolese armed groups present themselves without any further delay or preconditions to the Congolese authorities and the Mission for disarmament, demobilization and reintegration, and that the foreign armed groups similarly present themselves to the Congolese authorities and the Mission for disarmament, demobilization, repatriation, resettlement and reintegration; [...]"</p>
7. UNGA Reaction	4 no reaction	<p>Human Rights Council – Joint report of seven UN experts on the situation in the DR Congo, A/HRC/13/63 ### Note: No particular GA action taken with regard to this report.</p> <p>"Grave breaches of international humanitarian law continue to be committed by non-State armed groups, in particular FDLR and LRA. These range from summary executions, sexual violence and related atrocities and enforced disappearances to forced recruitment and pillage." (page 9)</p> <p>"In the context of the military operations against FDLR, brutal sexual violence has been used as a weapon of war by all local parties to the conflict." (page 10)</p> <p>"Attacks on the civilian population by armed actors are frequently accompanied by sexual atrocities. According to documentation and testimonies collected by the Group of Experts of the Security Council's Sanctions Committee, a total of 1,199 human rights violations against the civilian population were committed by FDLR between February and October 2009 in reprisal for attacks perpetrated by FARDC during the Umoja Wetu and Kimia II operations, including 135 cases of sexual violence." (page 10)</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Tanzania: ### In a letter dated 9 December 2009, from the Perm. Rep. to the President of the UNSC, S/2009/657### "[...] The letter also seeks to put on record Tanzania's commitment to the peaceful solution to the conflicts in the region of the Great Lakes and in stopping the armed activities of FDLR in eastern Democratic Republic of the Congo. [...]"</p>

	<p>With that level of commitment, the Government of the United Republic of Tanzania would not contemplate engaging in destabilizing any neighbouring countries nor condone the transit of arms to FDLR, which is the root cause of the exodus of Congolese refugees to Tanzania and a threat to the security of both the Democratic Republic of the Congo and Rwanda. [...] I wish to reiterate the firm commitment of my Government to work and cooperate with and assist the Security Council in discharging its primary responsibility in the maintenance of international peace and security including in the region of the Great Lakes of Africa; in this particular case, in seeking a lasting solution to the security problem posed by the armed group FDLR, which is based in the eastern Democratic Republic of the Congo.”</p> <p>Press Statement SC/9703-AFR/1870, 10 July 2009</p> <p>“[...] The members of the Security Council expressed their grave concern over the renewed activity of illegal armed groups and condemned the targeted attacks against the civilian population by these groups, in particular the Forces démocratiques pour la libération du Rwanda (FDLR) and the Lord’s Resistance Army (LRA). They also expressed grave concern over the continued reports of massive human rights violations, widespread sexual violence, and continued recruitment and use of children by illegal armed groups in the Democratic Republic of the Congo, as well as some elements of the Congolese national security forces.”</p> <p>Member States at the time: USA, France, UK, Russia, China, Burkina Faso, Lybia, Uganda, Vietnam, Japan, Costa Rica, Mexico, Austria, Turkey, Croatia</p>
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64. Somalia vs. Al-Shabaab (part 2) 2009-present

Key data

Duration: 2009 – present; Parties: Somalia, Kenya, Ethiopia, Uganda, Burundi, Djibouti, Nigeria, Sierra Leone, United States of America, Zambia v. al-Shabaab, ARS/UIC, Hizbul Islam; Initiator: Al-Shabaab.

Harakat Al-Shabaab al-Mujahideen (Al-Shabaab)

	Code
Law invoked?	2 No

1.1 Justificatory claim	2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p><i>### Al-Shabaab is a splinter group of the Islamic Courts Union (ICU) and is conflict party since 2008. No justificatory or legitimacy claims raised by Al-Shabaab. However, reasons for Al-Shabaab’s actions are the following ###</i></p> <p>“Seeking to establish a Wahabi-style fundamentalistic Islamic State in Somalia in the area under their control, Shahaab militants instituted a strict version of Islamic law, terrorized the population,</p>

						<p>and obstructed the delivery of humanitarian assistance.” (Ruys/Corton/Hofer, <i>The Use of Force in International Law: A Case-Based Approach</i>, 2018, p. 802)</p> <p>“The Shabab have been terrorizing much of Somalia for years, instituting a harsh form of Islamic law in the territory they control and blocking Western aid groups from working in their areas during a time of famine. But the Shabab are now stretched very thin, with three of their major strongholds in the cross hairs of opposing forces.” (Gettleman, "Ethiopian Troops Said to Enter Somalia, Opening New Front Against Militants", <i>The New York Times</i>, 20.11.2011, nytimes.com/2011/11/21/world/africa/ethiopian-troops-enter-somalia-witnesses-say.html (accessed on 28 September 2022))</p>
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	2 disapproves	<p>### The UNSC condemned the attacks by Al-Shabaab and stated that Al-Shabaab constitutes a terrorist threat to Somalia and the international community ###</p> <p>UNSC Res 2036, 22 February 2012: Reiterating its condemnation of all attacks on the Transitional Federal Government, the African Union Mission in Somalia</p>

		<p>(AMISOM), United Nations personnel and facilities, and the civilian population by armed opposition groups, and foreign fighters, particularly Al-Shabaab, and stressing that Somali armed opposition groups and foreign fighters, particularly Al-Shabaab, constitute a terrorist threat to Somalia, and the international community, Noting the announcement that Al-Shabaab has joined Al Qaeda, stressing that there should be no place for terrorism or violent extremism in Somalia and reiterating its call upon all opposition groups to lay down their arms</p> <p>UNSC Res 2520, 29 May 2020: Reiterating that Al-Shabaab poses a serious threat to the stability of Somalia and its neighbours, condemning Al-Shabaab attacks in Somalia and beyond, expressing deep concern at the loss of civilian life from Al-Shabaab attacks,[The UN Security Council Committee on Somalia and Eritrea listed Al-Shabaab as an entity pursuant to paragraph 8 of resolution 1844(2008) (in which entities are listed which threaten the peace, security and stability of Somalia)]</p> <p>UNSC Press Release SC/9904, 12 April 2010: The Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, today, 12 April 2010 listed the following individuals and entity pursuant to paragraph 8 of resolution 1844 (2008): (1) AL-SHABAAB (...).</p> <p>UNSC Res 1844, 20 November 2008: 8. Decides (...) that the provisions of 3 and 7 above shall apply to entities, designated by the Committee; (a) as engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti Agreement of 18 August 2008 or the political process, or threaten the TFIs or AMISOM by force; (b) as having acted in violation of the general and complete arms embargo reaffirmed in paragraph 6 above; (c) as obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p><i>### International condemnation of Al-Shabaab ###</i></p> <p>“The 2011 Ethiopian offensive occurred during a period when international condemnation of Al-Shabaab was high. For instance, the jihadist group was already targeted by Security Council’s sanctions (...). Furthermore, the African Union peacekeepers were fighting the group in Mogadishu and Kenyan forces were also engaged in the fight against Al-Shabaab in southern Somalia.” (Ruys/Corton/Hofer, <i>The Use of Force in International Law: A Case-Based Approach</i>, 2018, p. 802)</p> <p><i>### Al-Shabaab is listed as a terrorist organization by the United States, Australia, Norway, New Zealand, Canada, United Kingdom, United Arab Emirates and Singapore. ###</i></p> <p>United States: “On 29 February 2008, the US government designated Al-Shabaab as a Foreign Terrorist Organization under Section 219 of the Immigration and Nationality Act (as amended) and as a Specially Designated Global Terrorist under Section 1(b) of Executive</p>

		<p>Order 13224 (as amended) (Al-Shabaab, the National Counterterrorism Centre).” (Shuriye, Policies and views of the un and western nations on Al-Shabaab and its recruitment strategies. Review of European Studies 4(1), 2012, p. 220-229)</p> <p>United Kingdom: “In the first week of March 2010, British government added Somali Al-Shabaab group to their respective list of proscribed terror groups.” (Shuriye, Policies and views of the un and western nations on Al-Shabaab and its recruitment strategies. Review of European Studies 4(1), 2012, p. 220-229)</p> <p>Australia: “The Australian government has listed Al-Shabaab as a terrorist organization in August 21, 2009, under the Division 102 of the Criminal Code and the Charter of the United Nations Act.” (Shuriye, Policies and views of the un and western nations on Al-Shabaab and its recruitment strategies. Review of European Studies 4(1), 2012, p. 220-229)</p> <p>Canada: “The government of Canada listed Al-Shabaab as a terrorist organization effective March 5, 2010, pursuant to the Criminal Code of Canada.” (Shuriye, Policies and views of the un and western nations on Al-Shabaab and its recruitment strategies. Review of European Studies 4(1), 2012, p. 220-229) “The Canadian Minister of Public Safety detailed the fact that [Al-Shabaab is listed as a terrorist organization] (...) The government received reports from the Somali community that Al-Shabaab has attempted to radicalize and recruit young Canadians. The listing of Al-Shabaab will help the government of Canada to better support the Somali community of Canada. The Canadian government further acknowledged that Al-Shabaab is the strongest, best organized, financed and armed military group in Somalia, and it controls the largest stretch of territory in Southern Somalia. (Shuriye, Policies and views of the un and western nations on Al-Shabaab and its recruitment strategies. Review of European Studies 4(1), 2012, p. 220-229)</p> <p>Somalia and Kenya: “That Al-Shabaab constitutes a threat to both Somalia and Kenya and is therefore a common enemy for the entire region and the world. This threat must be fought jointly by the two nations with support from the international community; “ (Joint Communique, 31 October 2011, https://web.archive.org/web/20111130172143/http://www.mfa.go.ke/index.php?option=com_content&view=article&id=399%3Ajoint-communique&catid=35%3Anews (accessed on 28 September 2022)) “SHEIKH SHARIF SHEIKH AHMED, President of the Transitional Federal Government of Somalia said: (...) His country, in particular, had been witnessing the alarmingly increasing extremist tendencies of Al-Shabaab and Hizbul Islam, with the former openly boasting about its allegiance to Al-Qaida and seeking to establish in the Horn of Africa a terrorist hub to “wreak havoc in the region and beyond’.” (UNGA, 65th session, 25.09.2010, Statement Summary, Statement by Somalia (Sheikh Sharif Skeikh Ahmed, President))</p>
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		<p>African Union and United Nations: “Security gains continue to be made against Al-Shabaab (...). At the initiative of the African Union Commission, and against the background of the recent progress on the political and security tracks, African Union and United Nations planners jointly developed a strategic concept for future AMISOM operations in Somalia. The concept aims at joining all ongoing separate military operations in Somalia into a coordinated and coherent effort against Al-Shabaab (...).” (UNSC Special report of the Secretary General on the situation in Somalia, UN Doc S/2012/74)</p> <p>IGAD (Intergovernmental Authority on Development (Djibouti, Ethiopia, Somalia, Eritrea, South Sudan, Sudan, Kenya, Uganda)): “2. Strongly condemns the destabilization activities of the Al Shabaab and other militant groups in Somalia and the Region;” (IGAD, Communiqué of the 19th Extraordinary Session of the IGAD Assembly of Heads of State and Government on the situation in Somalia and a briefing on the outstanding issues of the Sudan comprehensive peace agreement, (Addis Ababa, 25 November 2011)</p> <p>“The Intergovernmental Authority on Development (IGAD) condemns in the strongest terms possible the recent terrorist wave of attacks perpetrated by the Al Shabab terror group against the African Union peace-keeping forces present in Somalia, the Somali national military forces, Somali officials, and the peace loving Somali people (...).” (IGAD, Press Statement, IGAD condemns the Recent wave of Terrorist Attacks in Somalia, 30.06.2015)</p>
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520 Somalia

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	### Somalia did not raise any international justificatory arguments. As Somalia acted only within its own country, its actions do not have any points of contact with international law or cannot be

								classified as potentially contrary to international law. Therefore, there is no need for a justification on the international level ###
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	### The UNSC did not refer to potential justification arguments by Somalia, because these were not put forward ###
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	### States did not refer to potential justification arguments by Somalia, because these were not put forward (see above). ###

500 Uganda

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### Uganda was contributing troops to AMISOM since 2007. According to the Uppsala Database, Uganda is a conflict party since 2012 ###</p> <p>### Uganda was part of AMISOM (African Union Mission in Somalia) since 2007. AMISOM has been established in 2007 by the AU and its mandate is authorized by the UNSC. The mandate has been renewed several times by the UNSC, lastly in UNSC Res 2568 (2021) until 31 December 2021. Therefore, Uganda acted under Chapter VII of the UN Charter. ###</p> <p>### 19 January 2007: AMISOM was established by the African Union Peace and Security Council in its 69th meeting. ###</p> <p>African Union Peace and Security Council, 69th meeting, 19.01.2007: “8. Decides to authorize the deployment of AMISOM, for a period of 6 months, starting from the date of this decision, with the mandate (i) to provide support to the TFIs in their efforts towards the stabilization of the situation in the country and the furtherance of dialogue and reconciliation, (ii) to facilitate the provision of humanitarian assistance, and (iii) to create conducive conditions for long-term stabilization, reconstruction and development in Somalia.”</p> <p>### 21 February 2007: The UN Security Council authorized AMISOM’s mission. ### UNSC Res 1744, 21 February 2007: “Acting under Chapter VII of the Charter of the United Nations, 4. Decides to authorize member States of the African Union to establish for a period of six months a mission in Somalia, which shall be authorized to take all necessary measures as appropriate to carry out the following mandate:”</p> <p>UNSC Res 1772, 20 August 2007: 9. Decides to authorize member States of the African Union to maintain a mission in Somalia for a further period of six months, which shall be authorized to take all necessary measures as</p>

						<p>appropriate to carry out the following mandate:</p> <p>UNSC Res 1801, 20 February 2008: “Acting under Chapter VII of the Charter of the United Nations, 1. Decides to renew the authorization of Member States of the African Union to maintain a mission in Somalia for a further period of six months, which shall be authorized to take all necessary measures as appropriate to carry out the mandate set out in paragraph 9 of resolution 1772 (2007) and underlines, in particular, that AMISOM is authorized to take all necessary measures as appropriate to provide security for key infrastructure and to contribute, as may be requested and within its capabilities, to the creation of the necessary security conditions for the provision of humanitarian assistance; For further resolutions renewing the AMISOM mandate see below: UNSC Reaction”</p> <p>Statement regarding Uganda as part of AMISOM: “In a joint statement to field commanders, the Chiefs [of Defence Forces of Burundi and Uganda] declared that both Burundi and Uganda had committed the additional 4,000 troops mandated by the UN in December and that they were already heading for pre-deployment training. Burundi has already deployed one battalion.” (Burundi and Uganda Defence Forces Chiefs Visit Mogadishu and Commit Additional Troops to AMISOM, AU, AMISOM Press Release, 21.09.2011, https://amisom-au.org/fr/2011/09/burundi-and-uganda-defence-force-chiefs-visit-mogadishu-and-commit-additional-troops-to-amisom/ (accessed on 12 October 2022))</p>
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	1 approves	<p>### AMISOM-mandate, established by the UN Security Council ###</p> <p>UNSC Res 1744, 21 February 2007: <i>“Acting under Chapter VII of the Charter of the United Nations,</i> 4. <i>Decides</i> to authorize member States of the African Union to establish for a period of six months a mission in Somalia, which shall be authorized to take all necessary measures as appropriate to carry out the following mandate: (...)”</p> <p>UNSC Res 1772, 20 August 2007: <i>“9. Decides</i> to authorize member States of the African Union to maintain a mission in Somalia for a further period of six months, which shall be authorized to take all necessary measures as appropriate to carry out the following mandate:”</p> <p>UNSC Res 1801, 20 February 2008: <i>“Acting under Chapter VII of the Charter of the United Nations, 1. Decides</i> to renew the authorization of Member States of the African Union to maintain a mission in Somalia for a further period of six months, which shall be authorized to take all necessary measures as appropriate to carry out the mandate set out in paragraph 9 of resolution 1772 (2007) and <i>underlines</i>, in particular, that AMISOM is authorized to take all necessary measures as appropriate to provide security for key infrastructure and to contribute, as may be requested and within its capabilities, to the creation of the necessary security conditions for the provision of humanitarian assistance;”</p> <p>UNSC Res 1831, 19 August 2008 (renewal of AMISOM’s mandate) UNSC Res 1863, 16 January 2009 (renewal of AMISOM’s mandate) UNSC Res 1910, 28 January 2010 (renewal of AMISOM’s mandate) UNSC Res 1964, 22 December 2010 (renewal of AMISOM’s mandate) UNSC Res 2010, 30 September 2011 (renewal of AMISOM’s mandate) UNSC Res 2073, 2 November 2012 (renewal of AMISOM’s mandate) UNSC Res 2124, 12 November 2013 (renewal of AMISOM’s mandate) UNSC Res 2520, 29 May 2020 (renewal of AMISOM’s mandate) AMISOM’s mandate has been renewed unanimously lastly in UNSC Res 2568 on 12 March 2021 until 31 December 2021.</p> <p>### The UNSC welcomes Uganda’s participation in AMISOM and its actions in Somalia: ###</p> <p>UNSC Res 1801, 20 February 2008:</p>

		<p><i>“Emphasizing the contribution that AMISOM and its Ugandan and Burundian contingents are making to lasting peace and stability in Somalia, including the important work that the Ugandan forces have carried out in providing medical care for Somali citizens, condemning any hostility towards them, and urging all parties in Somalia and the region to support and cooperate with AMISOM, Welcoming the sustained commitment of the Government of Uganda to supporting the efforts of AMISOM over the last year and to the Government of Burundi for its recent deployment,”</i></p> <p>UNSC Res 2010, 30 September 2011: <i>“Commending the contribution of the African Union Mission to Somalia (AMISOM) to lasting peace and stability in Somalia, recognizing the significant sacrifices made by these forces, expressing its appreciation for the continued commitment of troops and equipment to AMISOM by the Governments of Uganda and Burundi, and calling on other African Union Member States to consider contributing troops to AMISOM,”</i></p> <p>UNSC Res 2067, 18 September 2012: <i>“Commending the contribution of the African Union Mission to Somalia (AMISOM) to lasting peace and stability in Somalia, and noting its critical role in improving the security situation in Mogadishu and other areas of south-central Somalia, expressing its appreciation for the continued commitment of troops, police and equipment to AMISOM by the Governments of Burundi, Uganda, Djibouti, Kenya and Sierra Leone, and recognizing the significant sacrifices made by AMISOM forces,”</i></p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<p>### Reaction to AMISOM in general: The European Union, the African Union, the United States and other States support AMISOM and the fight against Al-Shabaab in Somalia. ###</p> <p>European Union: “Terrorism is as a global threat and as such requires a comprehensive and coordinated response. The EU is a longstanding partner of the Horn of Africa in facing terrorism and remains committed to cooperating with all countries to free the region from the scourge of Al-Shabab: (...) The EU is the first donor to AMISOM, the African Union peacekeeping mission in Somalia. On 9 September, the EU announced a new funding of €124 million which will cover the period of 1 June to 31 December 2013 and bring the overall EU contribution to AMISOM to almost €600 million. The EU also calls on other donors to contribute to funding for AMISOM.” (EU supports Kenya in facing terrorism and its consequences, European Commission, 25.09.2013)</p> <p>“He [Gérard Araud of France in UNSC 6718th meeting] said the European Union was providing significant support for enhancing maritime and legal capacity in the region. Somali authorities must be committed to combating piracy, including on the legal front. Today, the European Union was financing more than 40 per cent of the United Nations peacekeeping and could not alone fund all Council decisions regarding Somalia. He, therefore, called on other donors to contribute.” (UNSC, 22.02.2012, 6718th Meeting, Resolution 2036, Meeting Coverage)</p>

	<p>African Union: “9. Pays tribute to all troop contributing countries for their selfless sacrifices and sustained contributions to AMISOM. In this regard, Council reiterates AU’s commitment and firm determination to re-double efforts to mobilize the necessary resources, including from non-traditional sources, to enable AMISOM fulfill its mandate” (African Union, Peace and Security Council 331st meeting, Communiqué PSC/PR/COMM(CCCXXXI) (29 August 2012)</p> <p>United States: “The United States also has welcomed the African Union Mission in Somalia’s (AMISOM) success in driving the al-Shabaab terrorist organization out of strategically important population centers, and has underscored the continued U.S. commitment to support AMISOM and the Somali national forces in extending security throughout Somalia.” (US Relations with Somalia, US Department of State, 19.12.2019, https://www.state.gov/u-s-relations-with-somalia/ (accessed on 12 October 2022))</p> <p>United Kingdom: “After the vote [of UNSC Res 1744 (2007) which authorized AMISOM], the representative of the United Kingdom said that, for the first time in 15 years, the people of Somalia now had the prospect of being led by a representative Government and an opportunity to begin the process of national reconciliation. The international community had the duty to turn that opportunity into reality by supporting the elements of the text of the adopted resolution, as well as the efforts of the African Union.” (Security Council Authorizes Six-Month African Union Mission in Somalia, Unanimously adopting Resolution 1744(2007), UNSC Res 1744(2007), Press Release, SC/8960)</p> <p>Italy: “Italy’s representative [after voting in favour of UNSC Res 1744(2007), which authorized AMISOM], expressing full support of African Union efforts, said that a full and inclusive political process conducted by the Somalis themselves was key to the solution of the crisis.” (Security Council Authorizes Six-Month African Union Mission in Somalia, Unanimously adopting Resolution 1744(2007), UNSC Res 1744(2007), Press Release, SC/8960)</p> <p>South Africa: “South Africa’s representative said he hoped that the adoption of the resolution [Resolution 1744(2007)] demonstrated to the people of Somalia that the international community cared about their situation. It was a start. And he hoped that, in the coming months, the international community, through the Council, would move to support reconstruction in the country.” (Security Council Authorizes Six-Month African Union Mission in Somalia, Unanimously adopting Resolution 1744(2007), UNSC Res 1744(2007), Press Release, SC/8960)</p> <p>Portugal: “João Maria Cabral of Portugal said his Government had always been supportive of the African Union’s efforts in Somalia, and as a Council member, Portugal had constructively engaged to address the African Union concerns and AMISOM’s needs.” (UNSC, 22.02.2012, 6718th Meeting, Resolution 2036, Meeting Coverage)</p>
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		India: "Speaking for India, Ambassador Manjeev Singh Puri said AMISOM was today the mainstay of the international community's effort to stabilize the security situation in Somalia. He strongly commended the troop contributors to AMISOM for their commitment and sacrifices. " (UNSC, 22.02.2012, 6718 th Meeting, Resolution 2036, Meeting Coverage)
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516 Burundi

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### According to the Uppsala database, Burundi is a conflict party since 2012. Since December 2007, Burundi was part of AMISOM (African Union Mission in Somalia) and deployed its troops into Somalia. Therefore, Burundi acted under Chapter VII of the UNSC. For the mandate and authorization of AMISOM in the relevant UNSC Resolutions see: Uganda 1.1 and 6 ###</p> <p>"The Burundi contingent is the second largest within AMISOM with 5,432 troops. The country was also the second to deploy troops into Somalia, its first soldiers having arrived in Mogadishu in December 2007." (Burundi, AU, AMISOM, https://amisom-au.org/fr/burundi/ (accessed on 12 October 2022))</p> <p>"In a joint statement to field commanders, the Chiefs [of Defence Forces of Burundi and Uganda] declared that both Burundi and Uganda had committed the additional 4,000 troops mandated by the UN in December and that they were already heading for pre-deployment training.</p>

							Burundi has already deployed one battalion.” (Burundi and Uganda Defence Forces Chiefs Visit Mogadishu and Commit Additional Troops to AMISOM, AU, AMISOM Press Release, 21.09.2011, https://amisom-au.org/fr/2011/09/burundi-and-uganda-defence-force-chiefs-visit-mogadishu-and-commit-additional-troops-to-amisom/ (accessed on 12 October 2022))
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<p>### The UNSC approves Burundi’s participation in AMISOM and its actions in Somalia ###</p> <p>UNSC Res 1801, 20 February 2008: “Emphasizing the contribution that AMISOM and its Ugandan and Burundian contingents are making to lasting peace and stability in Somalia, including the important work that the Ugandan forces have carried out in providing medical care for Somali citizens, condemning any hostility towards them, and urging all parties in Somalia and the region to support and cooperate with AMISOM, Welcoming the sustained commitment of the Government of Uganda to supporting the efforts of AMISOM over the last year and to the Government of Burundi for its recent deployment, “</p>

		<p>UNSC Res 2010, 30 September 2011: “Commending the contribution of the African Union Mission to Somalia (AMISOM) to lasting peace and stability in Somalia, recognizing the significant sacrifices made by these forces, expressing its appreciation for the continued commitment of troops and equipment to AMISOM by the Governments of Uganda and Burundi, and calling on other African Union Member States to consider contributing troops to AMISOM,”</p> <p>UNSC Res 2067, 18 September 2012: “Commending the contribution of the African Union Mission to Somalia (AMISOM) to lasting peace and stability in Somalia, and noting its critical role in improving the security situation in Mogadishu and other areas of south-central Somalia, expressing its appreciation for the continued commitment of troops, police and equipment to AMISOM by the Governments of Burundi, Uganda, Djibouti, Kenya and Sierra Leone, and recognizing the significant sacrifices made by AMISOM forces,”</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>### States approved AMISOM’s mission in general, see Uganda 9 ###</i>

530 Ethiopia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<i>### Note: Ethiopia occupied Somalia from 2006 to 2009, but withdrew from the country in 2009 (See Case Note Somalia vs. Al-Shabaab part 1). On 19 November 2011, however, Ethiopia invaded Somalia again. During its time in Somalia from 2011 onwards, Ethiopia initially made no claim of justification.</i>

						<p><i>From 2014 onwards, a change in justification took place when Ethiopia became part of AMISOM as of January 2014 and thus invoked Chapter VII as a justificatory claim ###</i></p> <p>“The African Union Mission in Somalia (AMISOM) today welcomed 4,395 troops from the Ethiopian National Defence Forces (ENDF) at a flag ceremony which took place in Baidoa, in the Bay region of Somalia.” (AMISOM, Press Release, Ethiopian Forces formally integrated into AMISOM, 22, January 2014)</p> <p>“Located in the Horn of Africa, the Federal Democratic Republic of Ethiopia becomes the latest troop contributing country to the Africa Union Mission in Somalia (AMISOM). An advance team of 100 uniformed personnel arrived in Somalia on the 1st of January 2014 while the other three battalion-strong contingent deployed soon after.” (Ethiopia, AMISOM – ENDF, https://amisom-au.org/ethiopia-endf/ (accessed on 12 October 2022))</p> <p>“While the Ethiopian National Defence Force (ENDF) was still carrying out its own military operations, Ethiopian troops were also officially incorporated into AMISOM in January 2014. (...). Consequently, as of 2014, Ethiopia not only contributed to AMISOM but also continued to conduct a military operation outside AMISOM.” (Ruys/Corton/Hofer, <i>The Use of Force in International Law: A Case-Based Approach</i>, 2018, p. 806)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	3 unclear	<p>### The 2011 Ethiopian intervention in Somalia was not addressed in the UNSC, even though some sessions of the UNSC were dedicated to Somalia (these sessions only dealt with the fight against piracy and not the Ethiopian intervention). Therefore, the Security Council's response in relation to Ethiopia's actions from 2011 to 2014 (until Ethiopia became part of AMISOM) is unclear. However, Ethiopia became part of AMISOM in January 2014. In this regard, the UNSC can be said to react approving, as it approved AMISOM in general (See: Elaboration for Uganda) ###</p> <p>"It is clear that the intervention was not authorized by the UNSC, which only authorized states to take part in military operations within the framework of an African Union mission. None of its relevant resolutions on the situation in Somalia can indeed be read as authorizing states to use force individually on Somali territory." (Ruys/Corton/Hofer, The Use of Force in International Law: A Case-Based Approach, 2018, p. 808)</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>### The reaction of States regarding Ethiopia's actions is unclear: Firstly, it remains unclear whether States are approving or disapproving Ethiopia's military intervention in general (until they became part of AMISOM in 2014). Furthermore, the State reaction regarding Ethiopia after they became part of AMISOM is also unclear, as some States approved the incorporation of Ethiopia into AMISOM, while other States do not react to this. However, States support AMISOM in General (See Uganda 9) ###</p> <p>"It appears that the Ethiopian intervention in Somalia in November 2011, unlike the 2006 invasion, did not raise legal issues, neither by official actors in the international community- and first of all Somali officials – nor by scholars." (Ruys/Corton/Hofer, The Use of Force in International Law: A Case-Based Approach, 2018, p. 808)</p> <p>United States: ### Unclear, whether the United States are approving or disapproving Ethiopia's military intervention ###</p> <p>"On 27 July 2015, US President Barack Obama praised Ethiopia as an 'outstanding partner' in the fight against militant Islamists and said that 'its troops had played a key role in weakening the al-Qaeda-linked al-Shabaab group in Somalia'." (Obama Praises Ethiopia Over Fight Against Al-Shabaab, BBC News, 27.7.2015, https://www.bbc.com/news/world-africa-33671340 (accessed on 12 October 2022))</p> <p>"But the American government, a close ally of Ethiopia, seems divided over the wisdom of this [the military intervention on 20 November 2011]. Some diplomats in the State Department are strongly against the Ethiopians jumping into Somalia again, said</p>

	<p>one American official, while the Pentagon and the C.I.A. seem to support it." (Gettleman, "Ethiopian Troops Said to Enter Somalia, Opening New Front Against Militants", The New York Times, 20.11.2011, https://www.nytimes.com/2011/11/21/world/africa/ethiopian-troops-enter-somalia-witnesses-say.html (accessed on 9 October 2022))</p> <p>Somalia: <i>### No reaction by Somalia's president. However, it was reported that Somalia's Defense Minister welcomed Ethiopia's actions within Somalia ###</i></p> <p>"A senior official with Somalia's transitional government, a weak and unpopular entity that survives purely on outside support, said last week that Somalia's president, Sheik Sharif Sheik Ahmed, did not want Ethiopian troops inside Somalia, but that he was powerless to oppose them." (Gettleman, "Ethiopian Troops Said to Enter Somalia, Opening New Front Against Militants", The New York Times, 20.11.2011, https://www.nytimes.com/2011/11/21/world/africa/ethiopian-troops-enter-somalia-witnesses-say.html (accessed on 9 October 2022))</p> <p>"The Somali official, who spoke on the condition of anonymity because of the delicacy of the topic, said that Sheik Sharif [Somalia's president] was not happy with the prospect that Ethiopian troops would return, 'but he has no choice' because his government ruled only a small area of the capital and was powerless to block the move." (Gettleman, "African Union Considers Sending Ethiopian Troops to Somalia", The New York Times, 17.11.2011, https://www.nytimes.com/2011/11/18/world/africa/african-union-may-send-ethiopian-troops-to-somalia.html (accessed on 9 October 2022))</p> <p>"Regarding the first cross-border movements of the ENDF on 19 November, Somalia did not complain that Ethiopia had violated its territorial integrity. It was even reported that the Somali Defense Minister, Hussein Arab Isee, participated in a meeting in Addis Ababa on 17 November on the fight against Al-Shabaab and the role Ethiopia should play therein. It was also reported that he had welcomed the arrival of Ethiopian forces in Somalia to eradicate Al-Shabaab: 'We welcome Ethiopian troops...and any other country that would contribute forces to fight against the Shabaab militants, as long as they do not violate our sovereignty'." (Ruys/Corton/Hofer, <i>The Use of Force in International Law: A Case-Based Approach</i>, 2018, p. 806)</p> <p>"The Defence Minister Hussein Arab Isse seems indeed to have expressed Somalia's consent to the Ethiopian intervention, as is revealed by his interview on November 20 upon his return from Addis Ababa where he had met Ethiopian officials days before. It can therefore be presumed that the cross-border operations dated 19 November were conducted upon Somali consent." (Ruys/Corton/Hofer, <i>The Use of Force in International Law: A Case-Based Approach</i>, 2018, p. 808)</p> <p>African Union: <i>### Welcoming Ethiopia's decision to support AMISOM's operation ###</i></p> <p>"M. Lamamra [commissaire pour la paix et la sécurité de l'UA] a aussi confirmé que l'Ethiopie pourrait également envoyer des troupes en Somalie." (Somalie: L'Union en faveur de forces kényanes dans l'Amisom, AFP, 18.11.2011,</p>
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		<p>https://www.jeuneafrique.com/depeches/62729/politique/somalie-lunion-africaine-en-faveur-de-forces-kenyanes-dans-lamisom/ (accessed on 12 October 2022))</p> <p>“32. On 2 December, these issues were considered in meetings of the Chiefs of Defence Staff of AMISOM and the African Union Peace and Security Council. The latter adopted a communiqué requesting Kenya to favourably consider the integration of its forces into AMISOM, and welcomed the decision of Ethiopia to support the AMISOM-Transitional Federal Government-Kenya operation.” (S/2011/759, 9 December 2011, Report of the Secretary General on Somalia)</p> <p>IGAD: <i>### Welcomes Ethiopia’s incorporation of troops into AMISOM ###</i></p> <p>“6. [the IGAD] Calls upon the Ethiopian Government to support the Kenyan- TFG and AMISOM operation. Further calls upon Kenya to consider the prospects of integrating its forces to AMISOM and to consolidate security and stability in Somalia.” (IGAD, Communique of the 19th extra-ordinary session of the IGAD Assembly of Heads of State and Government on the situation in Somalia and a Briefing on the outstanding issues of the Sudan comprehensive peace agreement, 25. November 2011)</p>
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501 Kenya

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	<p><i>### On 26 October 2011, Kenya sent thousands of troops into Somalia under military operation codenamed ‘Linda Nchi’ (‘Protect the Country’) against Al-Shabaab. Kenya puts forward the claim of self-defence under to Article 51 of the UN Charter ###</i></p>

						<p>“1. That Kenya’s security operation inside Somalia is aimed at eliminating the threat posed by Al Shabaab to Kenya’s national security and economic well being, and is based on the legitimate right to self-defence under Article 51 of the UN Charter; 2. That Al Shabaab constitutes a threat to both Somalia and Kenya and is therefore a common enemy for the entire region and the world. This threat must be fought jointly by the two nations with support from the international community; 3. That the current operations are being led by the TFG of Somalia Forces with the support of the Kenyan Defence Forces in pursuit of legitimate Al Shabaab targets;” (Kenya, Ministry of Foreign Affairs, Joint Communique, Prime Minister of the Republic of Kenya and the Prime Minister of the Transitional Federal Government of Somalia, 31 October 2011, https://web.archive.org/web/20111130172143/http://www.mfa.go.ke/index.php?option=com_content&view=article&id=399%3Ajoint-communique&catid=35%3Anews (accessed on 12 October 2022))</p> <p>“An additional joint communiqué of the Transitional Federal Government and Kenya, issued on 31 October, clarified that the Kenyan security operation inside Somalia was aimed at eliminating the threat posed by Al-Shabaab to the national security and economic well-being of Kenya and was based on the legitimate right to self-defence under Article 51 of the Charter of the United Nations.” (Report of the Secretary General on Somalia (9 December 2011) UN Doc S/2011/759)</p> <p>“In justification of its intervention, Kenya invoked both an invitation issued by Somalia and self-defence based on Article 51 of the UN Charter.” (Ruys/Corten/Hofer, <i>The Use of Force in International Law: A Case-Based Approach</i>, 2018, p. 803, fn. 5)</p> <p>“An additional joint communiqué of the Transitional Federal Government and Kenya, issued on 31 October, clarified that the Kenyan security operation inside Somalia was aimed at eliminating the threat posed by Al-Shabaab to the national security and economic well-being of Kenya and was based on the legitimate right to self-defence under Article 51 of the Charter of the United Nations. It also stated that the threat must be fought jointly by the two nations with support from the international community. Both the African Union and the Intergovernmental Authority on Development (IGAD) have expressed their support for the Kenyan security operation.” (Report of the Secretary General on Somalia (9 December 2011) UN Doc S/2011/759)</p> <p><i>### Contestation about the condition of an armed attack attributable to a State, as Kenya is claiming to fight a ‘Threat’ by Al-Shabaab rather than an ‘Attack.’ ###</i></p> <p>“In justification of its intervention, Kenya invoked both an invitation issued by Somalia and self-defence based on Article 51 of the UN Charter. The latter argument raises issues concerning the criteria of self-defence (notably the condition of an armed attack attributable to a state), bringing</p>
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							into question the military operation’s legality under international law. Nevertheless, on the political plane, on 25 November 2011, the 19 th extraordinary session of the intergovernmental Authority on Development (IGAD) Assembly of Heads of State and Governments on the situation in Somalia called upon Kenya to consider integrating its forces to the African Union mission ‘AMISOM’.” (Ruys/Corton/Hofer, <i>The Use of Force in International Law: A Case-Based Approach</i> , 2018, p. 803 fn. 5)
Letter sent in accordance with Art. 51 UNCh	2 no						

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<p>### Kenya asserted to act on request by Somalia. ###</p> <p>“Nairobi said the deployment into Somali was done with the approval of President Ahmed's government. But on Monday Mr Ahmed said Kenyan support in terms of training and logistics was welcome but his government and the people of Somalia were opposed to the presence of the Kenyan army.” (France to support Kenya’s incursion into Somalia, BBC News, 25.10.2011, https://www.bbc.com/news/world-africa-15446110 (accessed on 12 October 2022))</p> <p>“In justification of its intervention, Kenya invoked both an invitation issued by Somalia and self-defence based on Article 51 of the UN Charter.” (Ruys/Corton/Hofer, <i>The Use of Force in International Law: A Case-Based Approach</i>, 2018, p. 803, fn. 5)</p> <p>1.4. Contestation about Application</p> <p>### Contestation about the question whether the Transitional Federal Government of Somalia approved Kenya’s intervention and whether a transitional Government can issue a lawful invitation. ###</p> <p>“Nairobi said the deployment into Somali was done with the approval of President Ahmed's government. But on Monday Mr Ahmed said Kenyan support in terms of training and logistics was welcome but his government and the people of Somalia were opposed to the presence of the</p>

							Kenyan army.” (France to support Kenya’s incursion into Somalia, BBC News, 25.10.2011, https://www.bbc.com/news/world-africa-15446110 (accessed on 12 October 2022))
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

3.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### Kenya was requested to integrate its forces into AMISOM in 2011. Subsequently, Kenya became part of AMISOM in 2012. The UNSC welcomed the incorporation of Kenyan troops into AMISOM in Res 2036(2012). Thus, this resolution and the further UNSC Resolutions authorizing AMISOM’s mandate can be seen as a legal justification for Kenya’s actions [For AMISOM’s mandate and authorization by the UNSC see: Elaboration for Uganda] ###</p> <p>UNSC Res 2036, 22 February 2012: “Welcoming the willingness of the Government of Kenya for Kenyan forces to be incorporated into AMISOM and so to contribute to the implementation of AMISOM’s mandate. “</p> <p>### Kenya incorporated its troops into AMISOM by signing the Memorandum of Understanding between the Commission of the African Union and the Government of the Republic of Kenya ###</p> <p>“The MoU [Memorandum of Understanding] is the agreement that governs Kenya’s contribution of troops and resources to the AU Mission in Somalia (AMISOM)._Welcoming the Honorable Minister of State for Defence of the Republic of Kenya, the AU Commissioner for Peace and Security commended the Government of Kenya for its continued support to the AU and, in particular, for contributing troops and resources to AMISOM. (...) Commissioner Lamamra also underscored the progress so far achieved in the implementation of the new Strategic Concept for AMISOM operations and United Nations Security Council resolution 2036 (2012) of 22 February 2012, highlighting the outcomes of the London and Istanbul Conferences on Somalia as promising testimony to the ever-growing support of the international community in favor of a peaceful, stable, democratic and prosperous Somalia. The Honorable Minister of State for Defence of the Republic</p>

						<p>of Kenya, in turn, welcomed the conclusion of the MoU and reiterated the commitment of his country to the stabilization of Somalia.” (African Union, Signing of the Memorandum of Understanding between the Commission of the African Union and the Government of the Republic of Kenya as Troops and Resources Contributing Country to the African Union Mission in Somalia, Press Release, 02.06.2012)</p> <p>“October 16th 2011, Kenya Defence Forces moved into Southern Somalia to pursue insurgents group Al Shabaab after a series of kidnappings of tourists along the border. One month, later Kenyan government agreed to re-hat its forces under the African Union Mission in Somalia. The troops from Kenya were later formally integrated into AMISOM on February 22, 2012 after the United Nations Security Council passed Resolution 2036.” (Kenya - KDF, African Union, AMISOM, https://amisom-au.org/kenya-kdf/ (accessed on 12 October 2022))</p> <p>“(…) the Security Council adopted Resolution 2036 in February 2012 whereby it incorporated the Kenyan troops into African Union Mission Somalia (AMISOM). Thus, Resolution 2036 provided the legal framework and mandate (and resources) under which the Kenyan forces could intervene against Al-Shabaab in Somalia.” (Ruys/Corton/Hofer, The Use of Force in International Law: A Case-Based Approach, 2018, p. 803)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	1 approves	<p>### The UNSC did not comment on Kenya's own military operation in Somalia in the first place, but approves that Kenya incorporates its troops into AMISOM ###</p> <p>UNSC Res 2036, 22 February 2012: "Commending the contribution of AMISOM to lasting peace and stability in Somalia and efforts to bring stability and security to Mogadishu, (...) <i>recognising</i> the significant sacrifices made by AMISOM forces, Welcoming the willingness of the Government of Kenya for Kenyan forces to be incorporated into AMISOM and so to contribute to the implementation of AMISOM's mandate."</p> <p>UNSC Res 2067, 18 September 2012: <i>"Commending</i> the contribution of the African Union Mission to Somalia (AMISOM) to lasting peace and stability in Somalia, and noting its critical role in improving the security situation in Mogadishu and other areas of south-central Somalia, <i>expressing</i> its appreciation for the continued commitment of troops, police and equipment to AMISOM by the Governments of Burundi, Uganda, Djibouti, Kenya and Sierra Leone, and <i>recognizing</i> the significant sacrifices made by AMISOM forces,"</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<p>### States supported Kenya's intervention in Somalia. For further State reaction to AMISOM in general: See Elaboration for Uganda. ###</p> <p>African Union: ### Welcomes the Kenyan intervention ### "Both the African Union and the Intergovernmental Authority on Development (IGAD) have expressed their support for the Kenyan security operation." (S/2011/759, 9 December 2011, Report of the Secretary General on Somalia)</p> <p>"32. On 2 December, these issues were considered in meetings of the Chiefs of Defence Staff of AMISOM and the African Union Peace and Security Council. The latter adopted a communiqué requesting Kenya to favorably consider the integration of its forces into AMISOM, and welcomed the decision of Ethiopia to support the AMISOM-Transitional Federal Government-Kenya operation." (S/2011/759, 9 December 2011, Report of the Secretary General on Somalia)</p> <p>IGAD (Intergovernmental Authority on Development): ### Welcomes the Kenyan intervention ###</p>

		<p>“3. Welcomes the joint security operation by Kenya Defense Forces (KDF) and TFG forces in pursuit of Al Shabaab in South and Central Somalia; (...)” (IGAD, Communiqué of the 19th Extraordinary Session of the IGAD Assembly of Heads of State and Government on the situation in Somalia and a briefing on the outstanding issues of the Sudan comprehensive peace agreement, (Addis Abeba, 25 November 2011)</p> <p>France: ### Welcomes the Kenyan intervention ### “France will give logistical support to Kenyan forces pursuing Islamist militants across the border in Somalia, a French military spokesman says.” (France to support Kenya’s incursion into Somalia, BBC News, 25.10.2011, https://www.bbc.com/news/world-africa-15446110 (accessed on 12 October 2022))</p> <p>United States: ### Welcomes Kenyan integration of forces into AMISOM ### “ The United States also welcomed today’s decision to include Kenyan contributors to AMISOM’s strategy and hoped other nations would join soon.” (UNSC, 22.02.2012, 6718th Meeting, Resolution 2036, Meeting Coverage, Statement by Susan Rice on behalf of the United States delegation for UNSC Res 2036)</p>
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522 Djibouti

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr.-gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	### Djibouti is part of AMISOM (African Union Mission in Somalia) as of December 2011. As part of AMISOM, Djibouti can be said to act under Chapter VII of the UNSC ###

						<p>### For the mandate and authorization of AMISOM see Uganda 1.1, 6 ###</p> <p>“In December 2011, Djibouti became the third country to contribute to AMISOM. The country has deployed a contingent of 960 troops into Somalia (...)” (Djibouti, African Union, AMISOM, https://amisom-au.org/djibouti/ (accessed on 12 October 2022))</p> <p>“A long-awaited contingent of soldiers from Djibouti arrived in Mogadishu, Somalia’s capital, on Tuesday to join the African Union peacekeeping force. (...) It is the third country to contribute combat units, along with Uganda and Burundi.” (Gettleman, Somalia: Soldiers from Djibouti Arrive, NYT, 20.12.2011, https://www.nytimes.com/2011/12/21/world/africa/somalia-soldiers-from-djibouti-arrive.html (accessed on 9 October 2022))</p> <p>“The African Union and the Republic of Djibouti have signed a Memorandum of Understanding (MoU) that provides for the deployment of a second Djiboutian battalion of 900 troops within the African Union Mission in Somalia (AMISOM).” (The African Union and Djibouti sign MoU for the Deployment of a Second Djiboutian Battalion within AMISOM, African Union, AMISOM, Press Release, 04.06.2015, https://www.peaceau.org/uploads/press-release-djibouti-to-deploy-a-second-battalion-in-amisom.pdf (accessed on 12 October 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<p>UNSC Res 2036, 22 February 2012: “Commending the contribution of AMISOM to lasting peace and stability in Somalia and efforts to bring stability and security to Mogadishu, expressing its appreciation for the continued commitment of troops and equipment to AMISOM by the Governments of Burundi and Uganda, and for the newly deployed troops from the Government of Djibouti and recognising the significant sacrifices made by AMISOM forces,</p> <p>UNSC Res 2067, 18 September 2012: <i>“Commending</i> the contribution of the African Union Mission to Somalia (AMISOM) to lasting peace and stability in Somalia, and noting its critical role in improving the security situation in Mogadishu and other areas of south-central Somalia, <i>expressing its appreciation for the continued commitment of troops, police and equipment to AMISOM by</i> the Governments of Burundi, Uganda, Djibouti, Kenya and Sierra Leone, and <i>recognizing</i> the significant sacrifices made by AMISOM forces, (...)”</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	### States approve AMISOM’s mission. For reaction to AMISOM in general see Uganda 9 ###

2 United States of America

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	⊗ ⊗ ⊗ ⊗ ⊗	Contestation about	Material
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		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	2 No	1 Yes	2 No	1 Yes	2 No	<p>### The United States of America are conflict party since 2015. The US invoked self-defence as a reason for its actions in Somalia. ###</p> <p>“In Somalia, U.S. forces continue to counter the terrorist threat posed by al-Qa'ida and its Somalia-based associated force, al-Shabaab. United States forces also advise, assist, and occasionally accompany regional forces, including Somali and African Union Mission in Somalia (AMISOM) forces, during counterterrorism operations. United States forces also conducted strikes in defense of U.S. forces, and in defense of partnered Somali and AMISOM forces, on June 21, July 20, July 31, August 31, September 25, and September 28, 2016.” (Barack Obama, The White House, ‘Letter from the President – Supplement 6 -month War Powers Letter’, Text of a Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, 5.12.2016)</p> <p>“Alongside our Somali and international partners, we are committed to preventing al-Shabab from taking advantage of safe havens from which they can build capacity and attack the people of Somalia,” the US Africa Command said.” (Al-Shabaab in Somalia: Airstrikes kill 62 militants, US says, BBC News, 17.12.2018, bbc.com/news/world-africa-46592101 (accessed on 12 October 2022))</p> <p>“In a statement issued several hours after The New York Times first published news of the directive, Capt. Jeff Davis, a Pentagon spokesman, acknowledged that Mr. Trump had approved the Pentagon’s proposal to expand its targeting authority ‘to defeat Al Shabab in Somalia’ in partnership with African Union and Somali forces. ‘The additional support provided by this authority will help deny Al Shabab safe havens from which it could attack U.S. citizens or U.S. interests in the region,’ he said.” (Savage/Schmitt, Trump Eases Combat Rules in Somalia Intended to Protect Civilians, The New York Times, 30.03.2017, https://www.nytimes.com/2017/03/30/world/africa/trump-is-said-to-ease-combat-rules-in-somalia-designed-to-protect-civilians.html (accessed on 9 October 2022))</p> <p>“The Obama administration thinks that the Authorization for Use of Military Force against the perpetrators of the Sept. 11, 2001, terrorist attacks, or A.U.M.F., enacted by Congress, covered</p>

						<p>the attack last week [American air strike on a Shabaab training camp in Somalia]— a claim legal scholars described as novel and worthy of attention.” (Savage, Is the US Now at War with the Shabaab? Not Exactly, The New York Times, 14.03.2016, https://www.nytimes.com/2016/03/15/us/politics/is-the-us-now-at-war-with-the-shabab-not-exactly.html (accessed on 9 October 2022))</p> <p>“American officials said the White House had quietly broadened the president’s authority for the use of force in Somalia by allowing airstrikes to protect American and African troops as they combat fighters from the Shabab, a Somali-based militant group that has proclaimed allegiance to Al Qaeda. In its public announcements, the Pentagon sometimes characterizes the operations as ‘self-defense strikes,’ though some analysts have said this rationale has become a self-fulfilling prophecy. It is only because American forces are now being deployed on the front lines in Somalia that they face imminent threats from the Shabab.” (Mazzetti/Gettleman/Schmitt, In Somalia, US Escalades a Shadow War, The New York Times, 16.10.2016, https://www.nytimes.com/2016/10/16/world/africa/obama-somalia-secret-war.html (accessed on 9 October 2022))</p> <p>“We will also continue to support our international partners, particularly the African Union Mission in Somalia, that are working to support the government of the Federal Republic of Somalia in building a secure and stable future for the Somali people.” (US Department of Defence, Statement from Pentagon Press Secretary Peter Cook on Dec. 2 Airstrikes in Somalia, 7.12.2015)</p> <p>“Last year, the Obama White House permitted the military to increase airstrikes in Somalia without always going through the high-level vetting process detailed in the 2013 rules. Instead, the military justified some strikes under an expansive interpretation of an exception for ‘self-defense’ — including some that defended partner forces combating the Shabab even if no Americans were under direct threat. And as The Times reported in November, the Obama administration — after years of internal debate — decided to designate the Shabab an ‘associated force’ of Al Qaeda. That shored up the executive branch’s authority to wage war in Somalia by bringing the Shabab under Congress’s authorization to use military force against the perpetrators of the Sept. 11, 2001, terrorist attacks.” (Savage/Schmitt, Trump Eases Combat Rules in Somalia Intended to Protect Civilians, The New York Times, 30.03.2017, https://www.nytimes.com/2017/03/30/world/africa/trump-is-said-to-ease-combat-rules-in-somalia-designed-to-protect-civilians.html (accessed on 9 October 2022))</p> <p>1.4. Contestation about Application</p>
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						<p>### Contestation about the interpretation of the right to self-defence as it is questionable whether an armed attack existed: The US did not claim that an armed “Attack” existed, but rather argued that there was a “threat” posed by Al-Shabaab. ###</p> <p>“The Obama administration thinks that the Authorization for Use of Military Force against the perpetrators of the Sept. 11, 2001, terrorist attacks, or A.U.M.F., enacted by Congress, covered the attack last week [American air strike on a Shabaab training camp in Somalia]— a claim legal scholars described as novel and worthy of attention.” (Savage, Is the US Now at War with the Shabaab? Not Exactly, The New York Times, 14.03.2016, https://www.nytimes.com/2016/03/15/us/politics/is-the-us-now-at-war-with-the-shabab-not-exactly.html (accessed on 9 October 2022))</p> <p>“In its public announcements, the Pentagon sometimes characterizes the operations as ‘self-defense strikes,’ though some analysts have said this rationale has become a self-fulfilling prophecy. It is only because American forces are now being deployed on the front lines in Somalia that they face imminent threats from the Shabab.” (Mazzetti/Gettleman/Schmitt, In Somalia, US Escalates a Shadow War, The New York Times, 16.10.2016, https://www.nytimes.com/2016/10/16/world/africa/obama-somalia-secret-war.html (accessed on 9 October 2022))</p>
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	<i>### No State reaction regarding the US' actions in Somalia could be found. ###</i>

451 Sierra Leone

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p><i>### Sierra Leone is listed as a conflict party since 2012. Sierra Leone is part of AMISOM (African Union Mission in Somalia) as of December 2011. As part of AMISOM, Sierra Leone can be said to act under Chapter VII of the UNSC ###</i></p> <p>“The African Union Mission in Somalia has welcomed members of the Republic of Sierra Leone Armed Forces (RSLAF) who have joined AMISOM.” (AMISOM Welcomes Deployment of Sierra Leone Troops, African Union, AMISOM, Press Release 3 April 2013)</p>

						<p>“Sierra Leone troops joined AMISOM in 2010, and are currently based in Sector Kismayo, along with Burundian and Kenyan troops.” (Sierra Leonean Chief of Defence Visits Somalia, African Union, AMISOM, 1.6.2014, Press Release)</p> <p>“Sierra Leone deployed their first police officers within AMISOM to Mogadishu in 2010. The country which is also a troop contributing country has 47 Individual Police Officers serving in the mission with 6 of the 47 deployed to Baidoa and Beledweyne in October 2013. Sierra Leone also provides 850 troops to AMISOM and are currently based in the port city of Kismayo in southern Somalia.” (Sierra Leone- Police, AU, AMISOM, https://amisom-au.org/sierra-leone-police/ (accessed on 12 October 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	UNSC Res 2067, 18 September 2012: <i>“Commending</i> the contribution of the African Union Mission to Somalia (AMISOM) to lasting peace and stability in Somalia, and noting its critical role in improving the security situation in Mogadishu and other areas of south-central Somalia, <i>expressing</i> its

		appreciation for the continued commitment of troops, police and equipment to AMISOM by the Governments of Burundi, Uganda, Djibouti, Kenya and Sierra Leone, and <i>recognizing</i> the significant sacrifices made by AMISOM forces, (...)"
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	### For State reaction regarding AMISOM in general see Uganda 9 ###

475 Nigeria

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### Nigeria is part of AMISOM (African Union Mission in Somalia). As part of AMISOM, Nigeria can be said to act under Chapter VII of the UNSC ###</p> <p>"In 2010, Nigeria deployed its first police officers to Somalia. The first batch of Individual Police Officers (IPO) arrived to serve under the AMISOM umbrella." (Nigeria – Police, African Union, AMISOM, https://amisom-au.org/nigeria-police/)</p> <p>"Uganda is one of the Police Contributing Countries under AMISOM, deploying Individual Police Officers (IPOs) and Formed Police personnel. Other police contributing countries are Kenya, Nigeria, Sierra Leone and Ghana." (Uganda deploys new contingent of police officers to Somalia, African Union, AMISOM, 3.8.2016, https://amisom-au.org/so/2016/08/uganda-deploys-new-contingent-of-police-officers-to-somalia/ (accessed on 12 October 2022))</p> <p>"Council commended the joint Somali National Army (SNA) and AMISOM military operations, which have resulted in the further recovery of key strategic locations from Al Shabaab. Council paid tribute</p>

							to the AMISOM military and police component for their courage, and, once again, commended the Federal Government of Somalia, troop and police contributing countries (Burundi, Djibouti, Ethiopia, Kenya, Sierra Leone, Nigeria and Uganda) for their continued commitment to the promotion of lasting peace, security, stability and reconciliation in Somalia.” (African Union, Peace and Security Council, 425 th meeting, 24.03.2014)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	### For UNSC reaction regarding AMISOM see Uganda 6 ###
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	### For State reaction regarding AMISOM see Uganda 9 ###

551 Zambia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### Zambia is listed as a conflict party since 2015. Zambia is part of AMISOM (African Union Mission in Somalia) as of December 2011. It is listed as a conflict party as of 2018. As part of AMISOM, Zambia can be said to act under Chapter VII of the UNSC ###</p> <p>“Police officers from Sierra Leone and Zambia, who served for one year under the African Union Mission in Somalia (AMISOM), were given a befitting farewell by AMISOM’s Police Commissioner, Rex Dundun, who thanked them for their professionalism and discipline and building the capacity of the Somali Police Force.” (Police officers from Sierra Leone and Zambia returned home after distinguished service to AMISOM, AU, AMISOM, 30.09.2019, https://amisom-au.org/so/2019/09/police-officers-from-sierra-leone-and-zambia-return-home-after-distinguished-service-to-amisom/ (accessed on 12 October 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material

0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>### For reaction by the UNSC regarding AMISOM see Uganda 6 ###</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>### For State reaction regarding AMISOM see Uganda 9 ###</i>

65. Government of Yemen vs. AQAP 2009-2014

Key data

Duration: 14.12.2009 – 16.9.2014; Parties: Government of Yemen, United States of America vs. Al Qaeda Arabian Peninsula (AQAP); Initiator: AQAP.

679 Government of Yemen

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	### The Government of Yemen under President Saleh (until 2012) and his successor President Hadi did not raise any international justificatory arguments. Compared to the other parties to the conflict, Yemen acted only within its own country, which is why its actions do not have any points of contact with international law or cannot be classified as potentially contrary to international law. Therefore, there is no need for a justification on the international level. ###

Letter sent in accordance with Art. 51 UNCh	0 – not applicable
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	### The UNSC did not refer to potential justification arguments by Yemen, because these were not put forward (see above) ###
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	### States did not refer to potential justification arguments by Yemen, because these were not put forward (see above) ###

2 United States of America

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	2 No	2 No	2 No	2 No	<p>### The United States brings forward the claim of invitation by Yemen as a justificatory claim. This is evidenced by its statements which refer to “its close ally the Yemeni government” and “to work with its partners” as well as “our joint efforts”. ###</p> <p>“Al Qaeda in the Arabian Peninsula remains a dangerous - though weakened - terrorist organization. And going forward, we will remain vigilant against any threats to the United States, or our allies and partners. But make no mistake: This is further proof that al Qaeda and its affiliates will find no safe haven anywhere in the world.</p> <p>Working with Yemen and our other allies and partners, we will be determined, we will be deliberate, we will be relentless, we will be resolute in our commitment to destroy terrorist networks that aim to kill Americans, and to build a world in which people everywhere can live in greater peace, prosperity and security.”</p> <p>(United States, The White House, President Obama Welcomes New Chairman of the Joint Chiefs of Staff, 30.09.2011, https://obamawhitehouse.archives.gov/blog/2011/09/30/president-obama-welcomes-new-chairman-joint-chiefs-staff (accessed on 22 September 2022))</p> <p>“The U.S. military has also been working closely with the Yemeni government to operationally dismantle and ultimately eliminate the terrorist threat posed by al-Qa’ida in the Arabian Peninsula (AQAP), the most active and dangerous affiliate of al-Qa’ida today. Our joint efforts have resulted in direct action against a limited number of AQAP operatives and senior leaders in that country who posed a terrorist threat to the United States and our interests.” (United States, The White House, Letter from the President – War Power Resolution, Text of a Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, 12.06.2014, https://obamawhitehouse.archives.gov/the-press-office/2014/06/12/letter-president-war-powers-resolution (accessed on 22 September 2022))</p> <p>“President Obama declared for the first time on Saturday that a branch of Al Qaeda based in Yemen sponsored the attempted Christmas Day bombing of an American passenger jet, and he vowed that</p>

							<p>those behind the failed attack 'will be held to account.' (...) Mr. Obama said he was well aware that 'our nation is at war against a far-reaching network of violence and hatred.' (...)</p> <p>According to the official Yemen news agency, Saba, Mr. Obama congratulated Mr. Saleh on his counterterrorism efforts and promised close cooperation in the future against Al Qaeda. (...)</p> <p>Mr. Obama noted that this was not the first time Al Qaeda in the Arabian Peninsula had tried to attack the United States and its allies. 'In recent years, they have bombed Yemeni government facilities and Western hotels,' he said, adding, 'So as president, I've made it a priority to strengthen our partnership with the Yemeni government.'</p> <p>(Baker, "Obama Says AL Qaeda in Yemen Planned Bombing Plot, and He Vows Retribution", The New York Times, 02.01.2010, https://www.nytimes.com/2010/01/03/us/politics/03address.html (accessed on 22 September 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	4 defence against terrorism	### The United States is acting in Yemen in order to fight against AQAP, which is classified as a terrorist group by the US. This claim is not categorized as a self-defence claim (justificatory claim), because the US neither refers to self-defence explicitly nor does its language used indicate the invocation of Art. 51 UNCh ###

		<p>“Al Qaeda in the Arabian Peninsula remains a dangerous - though weakened - terrorist organization. And going forward, we will remain vigilant against any threats to the United States, or our allies and partners. But make no mistake: This is further proof that al Qaeda and its affiliates will find no safe haven anywhere in the world.</p> <p>Working with Yemen and our other allies and partners, we will be determined, we will be deliberate, we will be relentless, we will be resolute in our commitment to destroy terrorist networks that aim to kill Americans, and to build a world in which people everywhere can live in greater peace, prosperity and security.” (United States, The White House, President Obama Welcomes New Chairman of the Joint Chiefs of Staff, 30.09.2011, https://obamawhitehouse.archives.gov/blog/2011/09/30/president-obama-welcomes-new-chairman-joint-chiefs-staff (accessed on 22 September 2022))</p> <p>“The U.S. military has also been working closely with the Yemeni government to operationally dismantle and ultimately eliminate the terrorist threat posed by al-Qa’ida in the Arabian Peninsula (AQAP), the most active and dangerous affiliate of al-Qa’ida today. Our joint efforts have resulted in direct action against a limited number of AQAP operatives and senior leaders in that country who posed a terrorist threat to the United States and our interests.”</p> <p>(United States, The White House, Letter from the President – War Power Resolution, Text of a Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, 12.06.2014, https://obamawhitehouse.archives.gov/the-press-office/2014/06/12/letter-president-war-powers-resolution (accessed on 22 September 2022))</p>
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	Code	Material
6. UNSC Reaction	5 no reaction	<i>### The UNSC reacted to the overall conflict and AQAP in specific, but did not react in regard to actions taken by the US. ###</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	<p><i>### No reaction by other States except for Yemen and Great Britain regarding the US involvement in the conflict can be found ###</i></p> <p>Yemen: <i>### President Hadi is approving the actions taken by the United States. ###</i> “But President Abdu Rabbu Mansour Hadi endorsed the drone strike program last month during a visit to Washington, saying Yemen’s Air Force could not mount attacks at night and praising the drones’ accuracy as ‘unmatched by the human brain’.” (Arrabyee, Qaeda Leader Reported Dead in Yemen Attack, NYT 18 October 2012, https://www.nytimes.com/2012/10/19/world/middleeast/yemen-drone-strike-al-qaeda.html (accessed on 22 September 2022))</p> <p>Great Britain: <i>### Great Britain is financially supporting the United States ###</i> „Britain announced Sunday that it and the United States would jointly finance a counterterrorism police unit in Yemen, news services reported.” (Baker, "Obama Says Al Qaeda in Yemen Planned Bombing Plot, and He Vows Retribution", The New York Times, 02.01.2010, https://www.nytimes.com/2010/01/03/us/politics/03address.html (accessed on 22 September 2022))</p>

Al Qaeda in the Arabian Peninsula (AQAP)

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### Al Qaeda in the Arabian is aiming to topple the Saudi Arabian and Yemeni government and to establish an Islamic regime. Furthermore, it is fighting the Houthis in Yemen. However, these arguments cannot be codified as a legal international justification. Therefore, Al Qaeda in the Arabian Peninsula is not raising any international justificatory or legitimacy claims. ###</p> <p>“In a video statement in 2009, a leader of AQAP described a global strategic role for AQAP that would entail ‘extending support from the [Arabian] Peninsula to jihad in Palestine, Somalia, Iraq, Afghanistan, and all Muslim countries, with the aim of defending our lands and our sacred things’.” (UNSC, Sanctions/1267, ISIL (Da’esh) and Al-Qaida Sanctions List, Al-Qaida in the Arabian Peninsula (AQAP), https://www.un.org/securitycouncil/sanctions/1267/aq_sanctions_list/summaries/entity/al-qaida-in-the-arabian-peninsula-%28aqap%29 (accessed on 22 September 2022))</p> <p>“Al-Qaeda in the Arabian Peninsula (AQAP) was formed in January 2009 by a merger between two regional offshoots of the international jihadist network in Yemen and Saudi Arabia. (...) The group has vowed to target oil facilities, foreigners and security forces as it seeks to topple the Saudi and Yemeni governments, and establish an Islamic caliphate.” (https://www.bbc.com/news/world-middle-east-11483095 (accessed on 22 September 2022))</p> <p>“The group [AQAP] is the result of a merger of al-Qaeda's Saudi and Yemeni franchises that took place in January 2009. Like the larger bin Laden network, AQAP is committed to the elimination of</p>

							<p>‘apostate’ governments and their replacement with righteous fundamentalist Islamic regimes. In practice, however, AQAP has exhibited a persistent local focus, and has emerged as a major threat to the stability of the Yemeni government.” (Berman, Ilan. The Once and Future Threat: Al-Qaeda Is Hardly Dead." World Affairs, vol. 177, no. 1, May/June 2014, p. 76-86.)</p> <p>„Denn die schiitischen Houthis, die selbst ein Ziel von Al Qaida sind, bekämpfen die Terrororganisation wirksamer als alle früheren Regierungen.“ (Hermann, Abgleiten in die Anarchie, FAZ, 11.06.2015, https://www.faz.net/aktuell/politik/ausland/naher-osten/jemen-abgleiten-in-die-anarchie-13642143.html (accessed on 22 September 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	2 disapproves	UNSC Res 2014, 21 October 2011:

		<p>“Expressing further serious concern at the increased threat from Al-Qaida in the Arabian Peninsula and the risk of new terror attacks in parts of Yemen, 9. Expresses its concern over the presence of Al-Qaida in the Arabian Peninsula, and its determination to address this threat in accordance with the Charter of the United Nations and international law including applicable human rights, refugee and humanitarian law”</p> <p>UNSC Res 2216, 14. April 2015: “Condemning the growing number of and scale of the attacks by Al-Qaida in the Arabian Peninsula (AQAP), Expressing concern at the ability of AQAP to benefit from the deterioration of the political and security situation in Yemen, mindful that any acts of terrorism are criminal and unjustifiable regardless of their motivation, whenever, wherever and by whomsoever committed, (...)”</p> <p>UNSC Res 2204, 24 February 2015: ### adopted unanimously ### “Recalling the listing of Al-Qaida in the Arabian Peninsula (AQAP) and associated individuals on the Al-Qaida sanctions list established by the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) (...)”</p> <p>UNSC Res 2266, 24 February 2016: “Expressing its grave concern that areas of Yemen are under the control of Al-Qaida in the Arabian Peninsula (AQAP) and about the negative impact of their presence, violent extremist ideology and actions on stability in Yemen and the region, including the devastating humanitarian impact on the civilian populations Recalling the listing of Al-Qaida in the Arabian Peninsula (AQAP) and associated individuals on the ISIL (Da’esh) and Al-Qaida Sanctions List (...)”</p> <p>### AQAP is listed on the UN ISIL (Da’esh) and Al-Qaida Sanctions list since 19 January 2010: ### “In accordance with paragraph 13 of resolution 1822 (2008) and subsequent related resolutions, the ISIL (Da’esh) and Al-Qaida Sanctions Committee makes accessible a narrative summary of reasons for the listing for individuals, groups, undertakings and entities included in the ISIL (Da’esh) and Al-Qaida Sanctions List. Date on which the narrative summary became available on the Committee’s website: 19 January 2010” (UNSC, Sanctions/1267, ISIL (Da’esh) and Al-Qaida Sanctions List, “Al-Qaida in the Arabian Peninsula (AQAP)”, https://www.un.org/securitycouncil/sanctions/1267/aq_sanctions_list/summaries/entity/al-qaida-in-the-arabian-peninsula-%28aqap%29 (accessed on 22 September 2022)</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p>### AQAP is listed as a terrorist organization by several States. Therefore, the State Reaction is disapproving ###</p> <p>Saudi Arabia: ### Listed AQAP as a terrorist organization on 7 March 2014 in an announcement posted on the official website of the Saudi Press Agency. ###</p>

	<p>“A list published by the official Saudi Press Agency lists as terrorist organizations the Muslim Brotherhood, the Al-Nusra front - al Qaeda's official Syrian affiliate - as well as the branches of al Qaeda in Yemen and Iraq, Saudi Hezbollah and Yemen's Shiite Hawthitis.” (Saudi Arabia names Muslim Brotherhood as terror group, Deutsche Welle, 07.03.2014, https://www.dw.com/en/saudi-arabia-names-muslim-brotherhood-as-terror-group/a-17482621 (accessed on 22 September 2022))</p> <p>United Arab Emirates: ### Listed AQAP as a terrorist organization on 15 November 2014 ### „The UAE Cabinet on Saturday announced the names of dozens of extremist groups that have been put on its list of terrorist organisations. (...) Among the terror groups on the UAE list are Al Qaida and its affiliates in the Arabian Peninsula and (...), Al Houthis group in Yemen.” (UAE publishes list of terrorist organization, Gulfnews, 15.11.2014, https://gulfnews.com/uae/government/uae-publishes-list-of-terrorist-organisations-1.1412895 (accessed on 22 September 2022))</p> <p>Canada: ### listed AQAP as a terrorist organization since 23.12.2010. ### (Canada, Government of Canada, Listed Terrorist Entities, Current listed Entities, https://www.publicsafety.gc.ca/cnt/ntnl-scr/cntr-trrrsm/lstd-ntts/crnt-lstd-ntts-en.aspx#7 (accessed on 22 September 2022))</p> <p>United States of America: ### The United States classifies AQAP as a terrorist organization. ### “Al Qaeda in the Arabian Peninsula remains a dangerous - though weakened - terrorist organization.” (United States, The White House, President Obama Welcomes New Chairman of the Joint Chiefs of Staff, 30.09.2011, https://obamawhitehouse.archives.gov/blog/2011/09/30/president-obama-welcomes-new-chairman-joint-chiefs-staff (accessed on 22 September 2022))</p> <p>“(…) what we’ve seen is the emergence of various al Qaeda affiliates. From Yemen to Iraq, from Somalia to North Africa, the threat today is more diffuse, with Al Qaeda’s affiliates in the Arabian Peninsula - AQAP - the most active in plotting against our homeland. And while none of AQAP’s efforts approach the scale of 9/11, they have continued to plot acts of terror, like the attempt to blow up an airplane on Christmas Day in 2009.” (United States, The White House, Speech by Barack Obama, Remarks by the President at the National Defence University, 23.05.2013, https://obamawhitehouse.archives.gov/the-press-office/2013/05/23/remarks-president-national-defense-university (accessed on 22 September 2022))</p> <p>Australia: ### Listed AQAP as a terrorist organization since 2010. ### “The Australian Government first proscribed AQAP as a terrorist organisation under the Criminal Code in 2010 and relisted AQAP in 2013 and 2016.” (Australian Government, Australian National Security, ‘AQAP,</p>
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		https://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/Al-QaidaintheArabianPeninsulaAQAP.aspx (accessed on 22 September 2022))
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FOR REVIEW ONLY

66. Libya vs. Forces of Gaddafi 2011*Key data*

Duration: 28.02.2011 – 23.11.2011; Participants: Government of Libya (National Transitional Council), Zimbabwe vs. Forces of Muammar Gaddafi, Initiator: unclear.

Forces of Muammar Gaddafi

		Code					
Law invoked?	2 No						
1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<i>### Note: Conflict U11346 can be divided into two parts: The first part of the conflict occurred in 2011 and was fought between the Government of Libya and the Forces of Muammar Gaddafi. The second part of the conflict occurred in 2019 and was fought between the Government of Libya and Forces of the House of Representatives, who were supported by the government of Sudan and by the United Arab Emirates. ###</i>

						<p>### <i>The Forces of Muammar Gaddafi include the groups that were led by former Libyan leader Muammar Gaddafi. They were fighting the government of Libya (the NTC) until 22 October 2011. After the fall of Gaddafi’s regime on 22 August 2011, the conflict was continuing until Gaddafi was killed by Libyan rebels on October 23 under unexplained circumstances, thereby ending the conflict. The Forces of Gaddafi neither brough forward a justificatory claim nor a legitimacy claim. ###</i></p> <p>“Libyans are asking for democracy; they are asking for progress; they are asking for freedom; and they are asking for their rights. They demonstrated peacefully. They did not throw a single stone. They were killed. What did Brother Muammar Al-Qadhafi say? He said that these people were using hallucinogens. These tens of thousands of people would need mountains of such pills to lose their minds in such a way. One million turned out in Benghazi yesterday. Muammar Al-Qadhafi and his sons are telling Libyans: ‘Either I rule you or I kill you’. (...) He told them ‘I will burn Libya; I will distribute arms to the tribes. Libya will run red with blood’.” (Statement by Libya, S/PV.6490, 6490th meeting, 25 February 2011)</p> <p>“Gaddafi declared that he would show ‘no mercy’ to his own people. He compared them to rats, and threatened to go door to door to inflict punishment. In the past, we had seen him hang civilians in the streets, and kill over a thousand people in a single day. Now, we saw regime forces on the outskirts of the city. We knew that if we waited one more day, Benghazi – a city nearly the size of Charlotte – could suffer a massacre that would have reverberated across the region and stained the conscience of the world.” (Obama’s Remarks on Libya, NYT, 28.03.2011, https://www.nytimes.com/2011/03/29/us/politics/29prexy-text.html (accessed on 28 September 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
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0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	2 disapproves	<p>### The UNSC demanded in 2011 that the then Libyan authorities (Gaddafi regime) to comply with their international obligations and condemned any violence committed against civilians. The UNSC is disapproving actions taken by the Gaddafi regime and their violence against the civilians. A no-fly zone is established, assets are frozen and a travel ban exists and the situation was referred to the ICC. Therefore, the reaction is disapproving. ###</p> <p>### For further information: See Elaboration for Government of Libya. ###</p> <p>UNSC Res 1970, 26 February 2011: Expressing grave concern at the situation in the Libyan Arab Jamahiriya and condemning the violence and use of force against civilians Acting under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41, 1. Demands an immediate end to the violence and calls for steps to fulfil the legitimate demands of the population (...) 4. Decides to refer the situation in the Libyan Arab Jamahiriya since 15 February 2011 to the Prosecutor of the International Criminal Court (...) 9. Decides that all Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Libyan Arab Jamahiriya</p> <p>UNSC Res 1973, 17 March 2011: Deploing the failure of the Libyan authorities to comply with resolution 1970 (2011), Condemning the gross and systematic violation of human rights, including arbitrary detentions, enforced disappearances, torture and summary executions, Determining that the situation in the Libyan Arab Jamahiriya continues to constitute a threat to international peace and security, Acting under Chapter VII of the Charter of the United Nations, 1. Demands the immediate establishment of a cease-fire and a complete end to violence and all attacks against, and abuses of, civilians (...) 3. Demands that the Libyan authorities comply with their obligations under international law (...) 4. Authorizes Member States (...) to take all necessary measures,</p>

		<p>notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory (...)</p> <p>6. Decides to establish a ban on all flights in the airspace of the Libyan Arab Jamahiriya in order to help protect civilians;</p> <p>UNSC Res 2009, 16 September 2011:</p> <p>2. Looks forward to the establishment of an inclusive, representative transitional Government of Libya</p> <p>4. Welcomes the statements of the National Transitional Council appealing for unity, national reconciliation and justice, and its call for Libyans of all beliefs and backgrounds to refrain from reprisals, including arbitrary detentions; 5. Encourages the National Transitional Council to implement its plans to: (a) protect Libya’s population, restore government services, and allocate Libya’s funds openly and transparently (b) prevent further abuses and violations of human rights and international humanitarian law and to put an end to impunity; (c) ensure a consultative, inclusive political process with a view to agreement on a constitution and the holding of free and fair elections; (d) ensure the safety of foreign nationals in Libya, particularly those who have been threatened, mistreated and/or detained; and (e) prevent the proliferation of man-portable surface-to-air missiles, small arms and light weapons, and meet Libya’s arms control and non-proliferation obligations under international law;</p> <p>7. Calls upon the Libyan authorities to promote and protect human rights 11. Calls upon the Libyan authorities to comply with the international obligations of Libya (...) 12. Decides to establish a United Nations Support Mission in Libya (UNSMIL)</p> <p>UNSC Res 2016, 27 October 2011:</p> <p>Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Libya, Taking note of the National Transitional Council’s “Declaration of Liberation” of 23 October 2011 in Libya Acting under Chapter VII of the Charter of the United Nations, 1. Welcomes the positive developments in Libya which will improve the prospects for a democratic, peaceful and prosperous future there 2. Looks forward to the swift establishment of an inclusive, representative transitional Government of Libya</p> <p>UNSC Res 2017, 31 October 2011:</p> <p>1. Calls upon the Libyan authorities to take all necessary steps to prevent the proliferation of all arms and related materiel of all types</p> <p>UNSC Res 2022, 2 December 2011:</p> <p>Welcoming the establishment of the transitional Government of Libya on 22 November 2011</p>
7. UNGA Reaction	3 unclear	<p>UNGA Res 65/265:</p> <p>1. Decides to suspend the rights of membership in the Human Rights Council of the Libyan Arab Jamahiriya</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<i>### States disapprove actions taken by the regime of Gaddafi against his population. ###</i>

	<p>United Kingdom: “The violence we have seen and the incitement to further violence by Colonel Al-Qadhafi are totally unacceptable, and my Government has expressed its profound condemnation of them. (...) The adoption of resolution 1970 (2011) by all 15 members of the Council is a powerful signal of the determination of the international community to stand with the people of Libya and defend their right to determine their own future.” (Statement by the United Kingdom, UNSC S/PV.6491, 26 February 2011)</p> <p>“A violent, discredited regime that has lost all legitimacy is using weapons of war against civilians. Al-Qadhafi’s regime has ignored this Council’s demand in resolution 1970 (2011) that it stop the violence against the Libyan people.” (Statement by the UK, S/PV.6498, 17 March 2011)</p> <p>France: “In Libya, alas, for a number of weeks the will of the people has been crushed by the murderous repression led by Colonel Al-Qadhafi’s regime against his own people. Despite these calls for peace, the situation in Libya today is more alarming than ever. As I speak, Colonel Al-Qadhafi’s troops pursue their violent conquest of liberated cities and territories. (...) we must not allow the rule of law and international morality to be trampled underfoot. For this reason, France sought to contribute its utmost to the international momentum by working alongside the United Kingdom, the United States and others to prepare the draft resolution before the Council.” (Statement by France, S/PV.6498, 6498th meeting, 17 March 2011)</p> <p>“In the face of the continued brutal and bloody repression and the threatening statements made by the Libyan leadership (...) We have also decided to impose an embargo on arms — the arms that President Al-Qadhafi has chosen to turn against his own people. We have, finally, decided to sanction the individuals who are at the head of a regime that has chosen to commit atrocities.” (Statement by France, S/PV.6490, 6490th meeting, 25 February 2011)</p> <p>Germany: “The international community will not tolerate the gross and systematic violation of human rights by the Libyan regime. That is what we owe to the Libyan people, and that is why we imposed sanctions on the Libyan leadership.” (Statement by Germany, S/PV.6490, 25 February 2011)</p> <p>“Our intention is to stop the violence in the country and to send clear messages to Al-Qadhafi and his regime that their time is over. Muammar Al-Qadhafi must relinquish power immediately. His regime has lost all legitimacy and can no longer be an interlocutor for us.” (Statement by Germany, S/PV.6498, 17 March 2011)</p> <p>India: “India has been following with serious concern the developments in Libya, which have resulted in the loss of numerous lives and injuries to many more. We deplore the use of force, which is totally unacceptable. We earnestly hope that calm and stability will be restored at the earliest without any further violence.” (Statement by India, UNSC S/PV.6491, 26 February 2011)</p>
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	<p>Libya: “ Libyans are asking for democracy; they are asking for progress; they are asking for freedom; and they are asking for their rights. They demonstrated peacefully. They did not throw a single stone. They were killed. What did Brother Muammar Al-Qadhafi say? He said that these people were using hallucinogens. These tens of thousands of people would need mountains of such pills to lose their minds in such a way. One million turned out in Benghazi yesterday. Muammar Al-Qadhafi and his sons are telling Libyans: ‘Either I rule you or I kill you’. (...) He told them ‘I will burn Libya; I will distribute arms to the tribes. Libya will run red with blood’. Is this for glory, or is it for the people? Muammar Al-Qadhafi cannot give a single weapon to any person in Libya, because they will not be used for him, they will be used against him. (...) Please, United Nations, save Libya. No to bloodshed. No to the killing of innocents. We want a swift, decisive and courageous resolution.” (Statement by Libya, S/PV.6490, 25 February 2011)</p> <p>South Africa: “This unanimous resolution sends a clear and unambiguous message to the Libyan authorities to end the carnage against their people. Further, it complements the decision of the African Union Peace and Security Council, which strongly condemned the indiscriminate and excessive use of force against peaceful protesters and called upon the Libyan authorities to end forthwith all acts of violence, in accordance with international humanitarian and human rights law.” (Statement by South Africa, S/PV.6490, 25 February 2011)</p> <p>Nigeria: “Nigeria remains deeply concerned about the escalating violence, the inflammatory rhetoric and the deplorable loss of life we are witnessing in Libya. The African Union, the Organization of the Islamic Conference and the League of Arab States have all condemned the disproportionate use of force against civilians in Libya and have called for the immediate cessation of such violence. It is therefore fitting that the Security Council has taken decisive action today to address the crisis. We support the package of sanctions in the resolution to the extent that their impact is targeted and does not exacerbate the burden upon Libyan citizens.” (Statement by Nigeria, S/PV.6490, 25 February 2011)</p> <p>United States of America: “[A]cting under Chapter VII, the Security Council has come together to condemn the violence, pursue accountability and adopt biting sanctions targeting Libya’s unrepentant leadership. This is a clear warning to the Libyan Government that it must stop the killing. (...) The international community will not tolerate violence of any sort against the Libyan people by their Government or security forces. (...) As President Obama said today, when a leader’s only means of staying in power is to use mass violence against its own people, he has lost the legitimacy to rule and needs to do what is right for his country, by leaving now.” (Statement by the United States of America, S/PV.6490, 25 February 2011)</p> <p>“On 26 February, acting under Chapter VII of the United Nations Charter, the Security Council demanded a halt to the violence in Libya and enabled genuine accountability for war crimes and crimes against humanity by referring the situation to the International Criminal Court. We adopted strong sanctions that target Libya’s leadership. We have also strongly supported all</p>
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		<p>aspects of United Nations Special Envoy Al-Khatib’s mandate. But Colonel Al-Qadhafi and those who still stand by him continue to grossly and systematically abuse the most fundamental human rights of Libya’s people.” (Statement by the United States, S/PV.6498, 17 March 2011)</p> <p>Russian Federation: “The Russian Federation supported Security Council resolution 1970 (2011) because of our serious concern over the events taking place in Libya. (...) We condemn the use of military force against peaceful demonstrators and all other manifestations of violence and consider them absolutely unacceptable. We call for an immediate end to such actions. We exhort the Libyan authorities to comply with the demands of the international community, including the League of Arab States and the African Union, which demands have received the support of the Security Council.” (Statement by the Russian Federation, S/PV.6490, 25 February 2011)</p> <p>China: “China is deeply concerned over the turbulent situation in Libya. (...) it is of the greatest urgency to secure the immediate cessation of violence, avoid further bloodshed and civilian casualties, restore stability and normal order as soon as possible, and resolve the current crisis through peaceful means, such as dialogue. .” (Statement by China, S/PV.6490, 25 February 2011)</p> <p>Lebanon: “Today’s resolution essentially takes into account the calls by the people of Libya and the demands by the League of Arab States for an end to the violent acts and atrocious crimes being carried out by Libyan authorities against their people. “ (Statement by Lebanon, S/PV.6498, 17 March 2011)</p>
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620 Libya (National Transitional Council)

	Code
Law invoked?	2 No

2011	Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	7 enforcing specific political system	<p>### The National Transitional Council was founded in 2011 in opposition to the former leader of Libya, Gaddafi. The NTC became the international recognized interim government in 2011, and handed over authority to the General National Congress in 2012 after general elections. On 5 March 2011, the NTC announced to be the sole representative of Libya. It aimed at forming an interim administration and also aimed at free elections and a democratic system. ###</p> <p>“Chaired by the former justice minister Mustafa Abdul Jalil, the aim was to propose some form of interim administration. The aims and objectives of the NTC (...)included: Ensuring that citizens of the country were safe from harm, as well as guaranteeing the safety of national territory. Attempting to liberate rest in Libya as matter of emergency. (...) To become a transitional government who would eventually be able to hold free elections. (...) the NTC’s role was later clarified and they confirmed that they only wished to be a transitional government. They specifically wanted to be a de jure interim government, before holding elections for a General National Congress to act as the permanent successor. To organize the Military Council in a</p>

		<p>bid to protect the borders of the country and its people. Attempt to regulate relations with other countries and represent the Libyan people in an appropriate manner.” (What did the NTC aim to do, National Transitional Council Libya, http://ntclibya.org (accessed on 28 September 2022))</p> <p>“The interim national council hereby presents its vision for rebuilding the democratic state of Libya. (...) To that end, we will outline our aspirations for a modern, free and united state, following the defeat of the illegal Gaddafi regime. (...) We recognise without reservation our obligation to: 1. Draft a national constitution that clearly defines its nature, essence and purpose and establishes legal, political, civil, legislative, executive and judicial institutions. (...) 2. Form political organisations and civil institutions including the formation of political parties, popular organisations, unions, societies and other civil and peaceful associations. 3. Maintain a constitutional civil and free state by upholding intellectual and political pluralism and the peaceful transfer of power, opening the way for genuine political participation, without discrimination. 4. Guarantee every Libyan citizen, of statutory age, the right to vote in free and fair parliamentary and presidential elections, as well as the right to run for office. (...) 7. Political democracy and the values of social justice (...)” (Statement by the Libyan interim national council in: "A vision of a democratic Libya", The Guardian, 29.03.2011, https://www.theguardian.com/commentisfree/2011/mar/29/vision-democratic-libya-interim-national-council (accessed on 28 September 2022))</p> <p>“Opposition protesters in eastern Libya have formed a national council, pledging to help free areas of the country still under Muammar Gaddafi’s rule. Hafiz Ghoga, spokesman for the new National Libyan Council that was launched in the city of Benghazi on Sunday, said the council was not an interim government. ‘The main aim of the national council is to have a political face ... for the revolution,’ Ghoga told a news conference after the gathering to announce the council’s formation. ‘We will help liberate other Libyan cities, in particular Tripoli through our national army, our armed forces, of which part have announced their support for the people,’ Ghoga said. On Saturday, former justice minister Mustafa Mohamed Abdel Jalil (...) told Al Jazeera he had led the formation of a body which would lead the country for three months to prepare for elections.” (Libya opposition launches council, Al Jazeera, 28.02.2011, https://www.aljazeera.com/news/2011/2/28/libya-opposition-launches-council (accessed on 28 September 2022))</p>
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	Code	Material
6. UNSC Reaction	1 approves	<p>### The UNSC demanded in 2011 that the then Libyan authorities (Gaddafi regime) to comply with their international obligations and condemned any violence committed against civilians. It approved statements of the National Transitional Council appealing for unity, national reconciliation and justice. Moreover, the UNSC expressed its approval for forming a transitional government of Libya. Thus, its reaction in regard to Libya is approving. Furthermore, the overall situation was considered to be a threat to international peace and security. On 17 March 2011, a no-fly zone was established in Resolution 1973 in order to protect civilians, and the situation was referred to the ICC. ###</p> <p>For further information see: <i>Forces of Muammar Gaddafi 6</i>.</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	

<p>9. State Reaction</p>	<p>1 approves</p>	<p><i>### States approved the establishment of an interim Government. Furthermore, States approve and support Libyan's aspirations for democracy and free elections. ###</i></p> <p>United Kingdom: "The NTC has set out a vision for the political transition in Libya and has already taken positive steps towards achieving it. We welcome the Libyans' resuming their seat in the United Nations and look forward to the establishment of an interim Government. (...) The unanimous adoption today of resolution 2009 (2011) will provide the National Transitional Council with the support it needs as it implements its priorities. It establishes a United Nations Mission that will, among other things, provide support to Libyans in preparing for elections so that they can choose their own leaders. (...) The bravery and determination of the Libyan people have sent a strong message to repressive regimes everywhere that the legitimate demands and rights of people cannot be ignored." (Statement by the United Kingdom, UNSC S/PV.6620, 16 September 2011)</p> <p>France: "[W]e must first and foremost congratulate the Libyan people. They have demonstrated magnificent courage and determination. In rising up against oppression, they have manifested their will to defend their right to live in dignity in a free and democratic country. As President of the French Republic Nicolas Sarkozy said yesterday in Tripoli and in Benghazi, we will continue to stand alongside the Libyan people who won peace, freedom and economic progress and, along with our European partners and the Council, we will give them our full support." (Statement by France, UNSC S/PV.6620, 16 September 2011)</p> <p>Germany: "(...) national reconciliation and the protection of the human rights of all Libyans and foreign workers are critical. We welcome the Transitional National Council's repeated commitment to that end. (...) but with today's resolution, the Council has demonstrated its strong will to support the Libyan people on their path to a democratic and prosperous society. " (Statement by Germany, UNSC S/PV.6620, 16 September 2011)</p> <p>United States of America: "Through resolution 2009 (2011), the <u>Council</u> has unanimously affirmed its willingness to support the Libyan people in their efforts to restore order and bring about democracy. In this resolution, as well as in the General Assembly's approval earlier today of the Transitional National Council's credentials to represent Libya, we all stand witness to the birth of a new Libya. The resolution responds directly to the request from the Transitional National Council for international assistance during this period of change. We encourage the United Nations, including through its newly established United Nations Support Mission in Libya, to develop a close and collaborative relationship with Libya's new leaders. (...) The United States particularly welcomes the Council's decision to scale back and modify the sanctions that it imposed on Libya seven months ago in response to Al-Qadhafi's violence against his people." (Statement by the United States of America, UNSC S/PV.6620, 16 September 2011)</p> <p>"For more than four decades, the Libyan people have been ruled by a tyrant – Moammar Gaddafi. He has denied his people freedom, exploited their wealth, murdered opponents at home and abroad, and terrorized innocent people around the</p>
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	<p>world (...). The transition to a legitimate government that is responsive to the Libyan people will be a difficult task. And while the United States will do our part to help, it will be a task for the international community, and – more importantly – a task for the Libyan people themselves. I authorized military action to stop the killing and enforce UN Security Council Resolution 1973. (...) We hit Gaddafi's troops in neighboring Ajdabiya, allowing the opposition to drive them out. (...) In this effort, the United States has not acted alone. Instead, we have been joined by a strong and growing coalition. This includes our closest allies – nations like the United Kingdom, France, Canada, Denmark, Norway, Italy, Spain, Greece, and Turkey – all of whom have fought by our side for decades. And it includes Arab partners like Qatar and the United Arab Emirates, who have chosen to meet their responsibility to defend the Libyan people. “ (“Obama’s Remarks on Libya”, The New York Times, 28.03.2011, https://www.nytimes.com/2011/03/29/us/politics/29prexy-text.html (accessed on 28 September 2022))</p> <p>China: “ [T]he aspirations and choices of the Libyan people must be respected. Libya’s sovereignty, independence, unity and territorial integrity must be genuinely respected. The future and national affairs of the country should be decided by the Libyans themselves.” (Statement by China, UNSC S/PV.6620, 16 September 2011)</p> <p>“The Chinese government has criticized NATO’s air campaign in Libya as excessive and called for a cease-fire, although China abstained instead of exercising its veto when the United Nations Security Council voted in March to authorize the NATO action.” (Bradsher, "Rebel Leader From Libya is Expected to Visit China", The New York Times, 20.06.2011, nytimes.com/2011/06/21/world/asia/21china.html (accessed on 28 September 2022))</p> <p>“China’s foreign minister met here with the leader of Libya’s rebel opposition on Wednesday and said in a statement afterward that the opposition was ‘an important dialogue partner’, (...). Yang Jiechi, the foreign minister, declared after his meeting with the rebel leader, Mahmoud Jibril, that the opposition ‘has been increasingly representing the Libyan people and has gradually become an important political force in Libya.’ Mr. Yang repeated China’s calls for a negotiated peaceful settlement to the conflict.” (Bradsher, "China Moves Closer to Libyan Opposition", The New York Times, 22.06.2011, nytimes.com/2011/06/23/world/asia/23beijing.html (accessed on 28 September 2022))</p> <p>South Africa: “The African Union remains committed to supporting efforts to bring a peaceful end to the crisis in Libya. The Peace and Security Council ad hoc committee, meeting in Pretoria on 14 September, indicated its readiness to work with the National Transitional Council and all other Libyan stakeholders towards the goal of the early establishment of an all-inclusive national unity Government.” (Statement by South Africa, UNSC S/PV.6620, 16 September 2011)</p>
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552 Zimbabwe

	Code
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Law invoked?	2 No
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	### No Statements by Zimbabwe referring to its actions in the Libyan War in 2011 between the government of Libya against the forces of Gaddafi can be found. However, Zimbabwe was involved in the conflict, fighting on side of the forces of Gaddafi. ###
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	3 unclear	<i>### The UNSC referred to the overall conflict (See: Elaboration for Libya). However, the UNSC did not specifically refer to the Forces of Zimbabwe. Thus, its reaction in this regard remains unclear. ###</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	<i>### States reacted to the overall conflict, but no reaction specifically referring to Zimbabwe as a conflict party can be found. ###</i>

67. South Sudan vs. JEM 2011

Key data

Duration: 2011; Parties: Sudan vs. South Sudan, JEM, SLM/A, SPLM/A-North, SRF, SSDM/A, SSLM/A; Initiator: unclear.

625 Government of Sudan

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	1 Treaty	1 Yes	1 Yes	2 No	2 No	2 No	<p>### Sudan claims to be exercising its right to self-defence. It stated that troops from the south and SPLM forces would carry out attacks on Sudanese Forces and on UNMIS forces.</p> <p>In addition, Sudan accuses South Sudan (which has meanwhile been recognized as an independent state in July 2011) of supporting the rebel group SPLM (Sudan People's Liberation Movement), which aims to overthrow Sudan's regime and which it accuses of carrying out attacks in Sudan.</p> <p>It was not until 2012 that Sudan sent a letter to the Security Council in accordance with Article 51 of the UN Charter. Thus, Sudan is bringing forward the justificatory claim of self-defence.###</p>

						<p>“ [T]he unlawful occupation by the Government of the Republic of South Sudan of the Sudanese town of Heglig (...).</p> <p>The reaction of the President of the Republic of the South of Sudan to the presidential statement of the Security Council and to the call of the Secretary-General was disappointing (...) when he declared (...) that the Government of the South will not withdraw from Heglig and he (President Salva) will not receive or adhere to instructions from neither the Security Council nor the Secretary-General.</p> <p>The Government of Sudan has evidence (...) between the Governor of Unity State in South Sudan, General Taaban Deng, and Fadeel, South Sudan’s commander in Heglig, where General Taaban Deng is giving clear orders to their commander to burn all the oil facilities in Heglig. Only after that, did Sudan exercise its full right of self-defence in accordance with Article 51 of the Charter of the United Nations and reacted militarily, and recaptured the town of Heglig, on the same day, Friday, 20 April. “ (S/2012/252, Letter of 23 April 2012 from Sudan to UN addressed to the President of the Security Council)</p> <p>“The Sudanese government said the invasion was a response to recent attacks by southern forces in Abyei that have killed dozens of northern soldiers. (...)</p> <p>Northern Sudanese officials accused the south of having violated the agreement by attacking their forces, and insisted they were within their rights to defend Abyei.” (“Warnings of All-Out War in Fight Over Sudan Town”, The New York Times, 22.05.2011, https://www.nytimes.com/2011/05/23/world/africa/23sudan.html (accessed on 20 November 2022))</p> <p>“The Sudanese Armed Forces intervened in Abyei following a very long period of patience and restraint. The former administrator of Abyei has failed to respect the Comprehensive Peace Agreement and withdraw his troops from the border region in question. He has attempted to establish facts on the ground in the region by allowing in thousands of elements from the Movement and other militias in an effort to change the demographic makeup of the region.</p> <p>(...) When the SPLM attacked the Joint Integrated Unit, comprised of our armed forces and those of the United Nations Mission in the Sudan (UNMIS), they killed many of our soldiers. Since then, our armed forces had no choice but to intervene to put an end to the violations committed by the SPLM in Abyei.” (Statement by Sudan, S/PV.6559, 20.06.2011)</p> <p>“[O]n 4 June SPLM forces attacked the Sudanese Armed Forces and the police force in Umm_Dorien and then took control of that city. On 5 June, elements of the SPLM attacked Government forces in the city of Talodi. On 6 June, the SPLM attacked again in the city of Kadugli, the capital of Southern Kordofan, with the goal of taking control of it. (...) The SPLM is responsible for all of this. (...) The war actions of the SPLM have never been condemned by the Security Council.”</p>
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						<p>(Statement by Sudan, S/PV.6559, 20.06.2011)</p> <p>“The Government of South Sudan began its flagrant violations by hosting the leaders of Darfuri rebel movements, (...). In early May 2011, under police cover and in blatant violation of the Comprehensive Peace Agreement, 2,500 soldiers infiltrated into the Abyei region. (...) It then carried out treacherous military attacks on Sudan Armed Forces troops that formed part of the Joint Integrated Units, attacks which did not even spare peacekeepers from the United Nations Mission in Sudan. The Government of South Sudan went still further when, on 9 August 2011, with a view to coordinating joint military operations, it sponsored in the Kauda region in Southern Kordofan a conference that included representatives of Darfuri rebel movements and the leaders of the northern branch of the Sudan People’s Liberation Movement (SPLM). Participants (...) which provided for the overthrow of the Government of the Sudan by armed military operations. (...) SPLM is responsible for innumerable violations and encroachments in Southern Kordofan. (...) The Government of South Sudan was behind all the acts of aggression in Southern Kordofan, which it supported with arms and materiel.”</p> <p>(S/2011/551, Letter of 29 August 2011 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council)</p> <p>“Juba [capital of South Sudan] regularly accuses Khartoum [capital of Sudan] of backing rebels in South Sudan to destabilise the new nation. North Sudan denies the charge, countering that the SPLA continues to support armed groups in north Sudan that fought with the former rebel movement in Sudan’s second civil war (1983-2005).”</p> <p>(“South Sudan says new evidence indicates Khartoum supported Athor”, Sudan Tribune, 27.12.2011, https://sudantribune.com/article40551/ (accessed on 20 November 2022))</p> <p>“The Sudanese army accused the Sudan People’s Liberation Army (SPLA) of attacking its troops in the North-South border region of Abyei leading to heavy military casualties within its ranks.”</p> <p>(“Sudan army claims SPLA launched deadly attack in Abyei”, Sudan Tribune, 20.05.2011, https://sudantribune.com/article38550/ (accessed on 20 November 2022))</p> <p><u>1.3. Contestation about facts:</u></p> <p><i>### The fact of whether Sudan is carrying out bombardments in South Sudan or only in the border region is disputed between Sudan and South Sudan. South Sudan is bringing forward that Sudan is also bombing the territory of South Sudan. Sudan, on the other hand, is claiming to fight only within its own borders.###</i></p>
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						<p>“Obaid Murawah, a spokesman for the Sudanese foreign ministry, told Al Jazeera that the country was not looking for an excuse to invade its southern neighbour and that it was battling rebels within its own borders.” (“Sudan rebels form alliance to oust president”, Aljazeera, 13.11.2011, https://www.aljazeera.com/news/2011/11/13/sudan-rebels-form-alliance-to-oust-president/ (accessed on 20 November 2022))</p> <p>“A satellite-imaging program sponsored by the advocacy organization Enough Project has said it has evidence of a large buildup of Sudanese troops, as well as of the construction of new air-force bases near the border with South Sudan. A Sudanese government spokesman, Rabie A. Atti, defended the buildup on Sunday, saying, ‘We are only securing our border.’” (“Major Humanitarian Group Leaves a South Sudan Region”, The New York Times, 13.11.2011, https://www.nytimes.com/2011/11/14/world/africa/oxfam-leaves-south-sudan-border-area.html (accessed on 20 November 2022))</p> <p>“South Sudanese officials have condemned Sudan after an aerial bombardment of a refugee camp in their territory. (...) The Sudanese military, which has been fighting rebels in areas near South Sudan, has denied the claims. (...) Sudan's army has often been accused of bombing South Kordofan, where it is facing a rebellion from pro-southern groups. (...) However, Sudan Armed Forces spokesman Sawarmi Khaled Saad vehemently denied any links to the raid. ‘This information is completely false. We didn't bomb any camps or any areas inside the borders of South Sudan,’ he told the AFP news agency. ‘What is going on in South Sudan belongs to the southerners. We don't have any links to this.’” (“Sudan ‘bombs refugees’ in South Sudan’s Unity State”, BBC, 11.11.2011, https://www.bbc.com/news/world-africa-15678261 (accessed on 20 November 2022))</p> <p>“The continuous allegation by the Government of South Sudan, accusing the Republic of Sudan of aerial bombardment inside their territory is nothing but a pretext to disguise and to justify their aggression against Sudan.” (S/2012/252, Letter of 23.04.2012 from Sudan to UN addressed to the President of the Security Council)</p> <p>“Sudan has always denied accusations that it backs numerous rebel groups in the South.” (“South Sudan rebels: SSLA ‘surrenders’”, BBC, 26.04.2013, https://www.bbc.com/news/world-africa-22316453 (accessed on 20 November 2022))</p>
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						<p>1.4. Contestation about Application <i>### The affiliation of the territory of Abyei is disputed, as Sudan and South Sudan both argue that attacks by the other state would violate the CPA agreement and invoke their respective rights to self-defense. Thus, the interpretation of the right of self-defense is contested. ###</i></p> <p>“The Sudanese government said the invasion was a response to recent attacks by southern forces in Abyei (...). Northern Sudanese officials accused the south of having violated the agreement by attacking their forces, and insisted they were within their rights to defend Abyei. “ (“Warnings of All-Out War in Fight Over Sudan Town”, The New York Times, 22.05.2011, https://www.nytimes.com/2011/05/23/world/africa/23sudan.html (accessed on 20 November 2022))</p> <p>“South Sudan has denounced as an act of war the takeover by north Sudan forces of the contested border town of Abyei. (...) Southern military spokesman Col Philip Aguer said the North had committed an aggression (...). “If the international community do not intervene quickly to rescue the situation then this is a complete violation of the comprehensive peace agreement, a complete violation of the ceasefire, and it is a declaration of war by Khartoum,” he told the BBC. “ (“Sudan: Abyei seizure by north ‘act of war’, says south”, BBC, 22.05.2011, https://www.bbc.com/news/world-africa-13491445 (accessed on 20 November 2022))</p> <p>“The Sudanese Armed Forces intervened in Abyei following a very long period of patience and restraint. The former administrator of Abyei has failed to respect the Comprehensive Peace Agreement and withdraw his troops from the border region in question. (...) When the SPLM attacked the Joint Integrated Unit, comprised of our armed forces and those of the United Nations Mission in the Sudan (UNMIS), they killed many of our soldiers. Since then, our armed forces had no choice but to intervene to put an end to the violations committed by the SPLM in Abyei. “ (Statement by Sudan, S/PV.6559, 20.06.2011)</p>
Letter sent in accordance with Art. 51 UNCh	1 yes (S/2012/252, “Letter dated 23.04.2012 from Sudan to UN addressed to the President of the Security Council”)					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	2 disapproves	<p>[### Note: The UNSC's resolutions refer to the conflicts in all different areas in Sudan (the situation at the border between Sudan and South Sudan, as well as the situation in Darfur, in the Abyei Area, and in South Kordofan and Blue Nile). As the UNSC, in Res 1998, explicitly stated that "the conflict in one area of Sudan affects the other areas of Sudan" as well, not only resolutions in relation to the border conflict between Sudan and South Sudan, but also to the other region are listed below.]</p> <p>When referring to the situation in Darfur in 2011, the UNSC determined that the Darfur area constitutes a threat to international peace and security and demanded all parties in the conflict in Darfur to end violence. ###</p> <p>UNSC Res 1998, 29 July 2011: "Reaffirming its strong commitment to the sovereignty, unity, independence and territorial integrity of Sudan(...) Expressing concern about alleged links between armed movements in Darfur and groups outside Darfur, Determining that the situation in Sudan constitutes a threat to international peace and security, 14. Demands that all parties to the conflict in Darfur immediately end violence, attacks on civilians, peacekeepers and humanitarian personnel, and comply with their obligations under international human rights and humanitarian law; 17. Notes that conflict in one area of Sudan affects other areas of Sudan and the wider region."</p>

	<p>UNSC Res 2035, 17 February 2012: <i>“Reaffirming its commitment to the cause of peace throughout Sudan, to the sovereignty, independence, unity and territorial integrity of Sudan, to the full and timely resolution of outstanding Comprehensive Peace Agreement (CPA) issues, welcoming the Doha Document for Peace in Darfur, and recalling the importance of the principles of good neighbourliness, non-interference and cooperation in the relations among States in the region, Recognizing that the Darfur conflict cannot be resolved militarily and a durable solution can only be obtained through an inclusive political process,</i></p> <p>### Regarding the conflict in the border area between Sudan and South Sudan (especially in the Abyei area and the States of South Kordofan and Blue Nile): <i>On 23 May 2011, the UNSC referred to the Abyei area in a press statement, and disapproved military operations undertaken by Sudan in Abyei area. In the same statement, the UNSC also disapproved attacks by Southern forces. In June 2011, the UNSC determined that the situation in Abyei constitutes a threat to international peace and security. It established the United Nations Interim Security Force for Abyei (UNISFA) in resolution 1990 on 27 June 2011, in order to monitor and verify the redeployment of the Sudan Armed Forces as well as forces of the Sudan People’s Liberation Army from the Abyei area. It demanded Sudan and South Sudan to redeploy all military from the mutual border.</i></p> <p><i>In 2012, the UNSC also referred to fighting in the States of South Kordofan and Blue Nile. It condemned actions by any armed group aimed at the forces overthrow of the government of Sudan or South Sudan. Furthermore, the situation at the border between Sudan and South Sudan is determined as a threat to international peace and security. ###</i></p> <p>UNSC Press Statement on Abyei, 23 May 2011: <i>“The members of the Security Council condemn the attack by Southern forces against a United Nations Mission in Sudan (UNMIS) convoy escorting Sudanese Armed Forces elements of Joint Integrated Units on 19 May in Abyei, and stress that the attack was not only a serious breach of agreements between the parties, but also a criminal act against a United Nations mission and its personnel. (...) condemn the escalatory military operations being undertaken by the Sudanese Armed Forces, which have taken control of the area in and around Abyei town. This constitutes a serious violation of the Comprehensive Peace Agreement (...) (...) call upon the Government of Sudan to halt its military operations and to withdraw immediately from Abyei town and its environs. (...) urge both parties to refrain from the use of force, and not to engage in unilateral action creating facts on the ground meant to prejudice the outcome of negotiations. (...) demand the immediate withdrawal of all military elements from Abyei (...). “</i></p> <p>UNSC Res 1990, 27 June 2011: <i>“ Welcoming the Agreement between the Government of Sudan and the Sudan People’s Liberation Movement on Temporary Arrangements for the Administration and Security of the Abyei Area reached on 20 June 2011 in Addis Ababa, Ethiopia</i></p>
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	<p><i>Recognizing</i> that the current situation in Abyei (...)constitutes a threat to international peace and security,</p> <p>1. Decides to establish, for a period of 6 months, the United Nations Interim Security Force for Abyei (UNISFA), taking into account the Agreement between the Government of Sudan and the Sudan People’s Liberation Movement on Temporary Arrangements for the Administration and Security of the Abyei Area</p> <p>2. Decides that UNISFA shall have the following mandate, in addition to tasks set out in paragraph 3: (a) Monitor and verify the redeployment of any Sudan Armed Forces, Sudan People’s Liberation Army or its successor, from the Abyei Area as defined by the Permanent Court of Arbitration</p> <p>9. <i>Calls upon</i> the Government of Sudan and the Government of Southern Sudan or its successor urgently to fulfil their commitment under the CPA to resolve peacefully the final status of Abyei”</p> <p>UNSC Res 2032, 22 December 2011: <i>“Deeply concerned by the reported build-up of armed forces of Sudan and South Sudan near their mutual border</i> and inflammatory rhetoric from both sides, which increases the risk of direct confrontation between them</p> <p>3. Demands that the Governments of Sudan and South Sudan redeploy all remaining military and police personnel from the Abyei Area immediately and without preconditions, and urgently finalize the establishment of the Abyei Area Administration and the Abyei Police Service, in accordance with their commitments in the June 20 Agreement”</p> <p>UNSC Res 2046, 2 May 2012: <i>“Condemning the repeated incidents of cross-border violence between Sudan and South Sudan, (...) and Sudanese Armed Forces aerial bombardments,</i> <i>Condemning actions by any armed group aimed at the forced overthrow of the government of either Sudan or South Sudan,</i> <i>Expressing deep concern</i> at the humanitarian situation created by the fighting between Sudan and South Sudan, and the continued fighting in the states of Southern Kordofan and Blue Nile, in Sudan <i>Welcoming</i> the withdrawal from Heglig of the army of South Sudan and calling for the immediate cessation of aerial bombardments by the Sudanese Armed Forces against South Sudan Deploring the failure of Sudan and South Sudan security forces to redeploy from the Abyei Area in accordance with their Agreement of June 20, 2011 and resolution 1990 (2011), Determining that the prevailing situation along the border between Sudan and South Sudan constitutes a serious threat to international peace and security, Acting under Chapter VII of the Charter of the United Nations, 1. Decides that Sudan and South Sudan shall take the following actions with immediate effect unless otherwise specified below: (i) Immediately cease all hostilities, including aerial bombardments, with the parties formally conveying their commitment in this respect to the Chairperson of the African Union Commission and the President of the Security Council not later than 48 hours from the adoption of this resolution; (ii) Unconditionally withdraw all of their armed forces to their side of the border, in accordance with previously adopted Agreements, including the Agreement on the Border Monitoring Support Mission of 30 July 2011; “</p>
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		<p>UNSC Res 2047, 17 May 2012: "2. Welcomes the redeployment of South Sudanese military and police personnel from the Abyei Area in compliance with resolution 2046, and demands that the Government of Sudan redeploy all remaining military and police personnel from the Abyei Area immediately and without preconditions, and reiterates, in accordance with relevant resolutions, in particular resolution 1990 and resolution 2046, that the Abyei Area shall be demilitarized from any forces other than UNISFA and the Abyei Police Service</p> <p>5. Reiterates its decisions in resolution 2046 that Sudan and South Sudan shall unconditionally withdraw all of their armed forces to their side of the border in accordance with previously adopted Agreements"</p> <p>UNSC Res 2057, 5 July 2012: <i>Expressing deep concern at the humanitarian situation in South Sudan caused by heightened insecurity along the Sudan/South Sudan border region and the conflict in Sudan's Southern Kordofan and Blue Nile States</i> Condemning the repeated incidents of cross-border violence between Sudan and South Sudan, <i>Determining that the situation faced by South Sudan continues to constitute a threat to international peace and security in the region "</i></p>
7. UNGA Reaction	4 no reaction	<p><i>### The UNGA did not react to the conflict in Sudan in 2011. ###</i></p> <p>UNGA Res 65/308, 14 July 2011: Decides to admit the Republic of South Sudan to membership in the United Nations.</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p><i>### States disapprove actions taken by Sudan. Nevertheless, States also disapprove actions taken by South Sudan. Many States call on both parties to refrain from military fighting. ###</i></p> <p>EU: "1. Deplores the loss of life, violence, human rights abuses and lack of humanitarian access in Southern Kordofan and Blue Nile states; strongly condemns the SAF [Sudan Armed Forces] invasion of Southern Kordofan and Blue Nile states; urges all parties to immediately cease fighting and seek a political solution based on the agreement of 28 June 2011;;</p> <p>3. Welcomes the African Union-brokered deal of 8 September 2011, in which both sides agreed to pull forces out of the disputed area of Abyei; calls on Sudan and South Sudan to adhere to all provisions of the 2005 Comprehensive Peace Agreement (...). " (European Union, European Parliament "resolution of 15 September 2011 on Sudan: the situation in Southern Kordofan and the eruption of fighting in Blue Nile State", 2013/C 51 E/23, retrieved at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011IP0393&from=EN)</p> <p>United States:</p>

	<p>## #The United States called on North Sudan to withdraw from the Abyei area, but also condemned violence by South Sudan. Thus, its reaction in regard to Sudan is disapproving, but its reaction in regard to South Sudan is disapproving as well. ###</p> <p>“The [UN Security] council’s delegates issued a statement on Sunday night that was similar to the American one, calling for the north to “withdraw immediately from Abyei town and its environs,” but also condemning the violence by the southern forces. (“Warnings of All-Out War in Fight Over Sudan Town”, The New York Times, 22.05.2011, https://www.nytimes.com/2011/05/23/world/africa/23sudan.html (accessed on 20 November 2022))</p> <p>“Last week South Sudan, the United States and the United Nations strongly criticized the Sudanese government for bombing locations in South Sudan, including a refugee camp, which has threatened to widen the conflict. “ (“Major Humanitarian Group Leaves a South Sudan Region”, The New York Times, 13.11.2011, https://www.nytimes.com/2011/11/14/world/africa/oxfam-leaves-south-sudan-border-area.html (accessed on 20 November 2022))</p> <p>“In Washington on Monday, the Obama administration’s special envoy to Sudan, Princeton N. Lyman, said the north’s incursion into Abyei was “disproportionate and irresponsible” and warned that it jeopardized the peace agreement and efforts to normalize relations with the United States.” (“Border Town Incursion Poses Big Risk for Sudan”, The New York Times, 23.05.2011, https://www.nytimes.com/2011/05/24/world/africa/24sudan.html (accessed on 20 November 2022))</p> <p>“The situation in the Sudan poses (...)a threat to international peace and security (...). The United States calls on both parties [Sudan and South Sudan] to facilitate access for UNMIS and humanitarian aid workers. We are also concerned that the Sudanese People’s Liberation Army has deployed north of the 1 January 1956 border into Southern Kordofan, in violation of the Comprehensive Peace Agreement (CPA). We are deeply concerned by reports that members of the Sudan People’s Liberation Army have threatened the safety of persons of Arab origin in Southern Kordofan, including United Nations staff. (...) The Government of the Sudan can prevent the crisis from escalating further by immediately stopping its military efforts to disarm the Sudan People’s Liberation Movement in Southern Kordofan (...) The Sudanese Government should also cease trying to dissolve the joint integrated units in Southern Kordofan, which were established under the CPA. (...) The United States calls on both parties to end the conflict and to resolve the underlying issues in Southern Kordofan and in Blue Nile, as they are now beginning to do in Abyei. “ (Statement by the United States, S/PV.6559, 20.06.2011)</p> <p>South Sudan: “ Last week South Sudan, the United States and the United Nations strongly criticized the Sudanese government for bombing locations in South Sudan, including a refugee camp, which has threatened to widen the conflict. “</p>
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	<p> (“Major Humanitarian Group Leaves a South Sudan Region”, The New York Times, 13.11.2011, https://www.nytimes.com/2011/11/14/world/africa/oxfam-leaves-south-sudan-border-area.html (accessed on 20 November 2022)) </p> <p> United Kingdom: “We unreservedly condemn that, as we do summary executions and other abuses reportedly committed by both sides. The United Kingdom calls on all parties immediately to cease fire, and for all crimes against civilians to be fully investigated and the perpetrators brought to justice. (...) </p> <p> The Sudanese Armed Forces remain in control of the Abyei Area, in violation of the CPA. They must now withdraw, as demanded by the Council and stipulated in the Abyei agreement signed today. (...) </p> <p> Both parties must renounce violence (...).” (Statement by the United Kingdom, S/PV.6559, 20.06.2011) </p> <p> Germany: “We strongly condemn the continuous fighting by the Sudanese Armed Forces and the Sudan People’s Liberation Army, especially aerial bombardments and artillery shelling, and all attacks on the civilian population. “ (Statement by Germany, S/PV.6559, 20.06.2011) </p> <p> South Africa: “My delegation is gravely concerned about the situation and the clashes between the Sudanese Armed Forces and the Sudan People’s Liberation Army that took place on 6 June. We are equally concerned about the decision to terminate all Joint Integrated Units in the Southern Kordofan and Blue Nile States and the instruction to deploy all SPLA forces in the two States south of the border.” (Statement by South Africa, S/PV.6559, 20.06.2011) </p> <p> Portugal: “we strongly condemn the recent fighting in Kadugli and Umm Dorain, and call upon both sides to exercise maximum restraint in resolving their disputes in Southern Kordofan and Blue Nile states. In this regard, Portugal sees the negotiations between representatives of the Government of the Sudan and leaders of the Sudan People’s Liberation Movement from the two states as a positive step. .” (Statement by Portugal, S/PV.6559, 20.06.2011) </p> <p> Russia: “we call on both parties to refrain from violence and to do their utmost to address the humanitarian situation. “ (Statement by the Russian Federation, S/PV.6559, 20.06.2011) </p> <p> Columbia: </p>
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	<p>“In recent weeks and even days, unacceptable acts of violence have occurred, compromising the peaceful transition to the birth of South Sudan. We strongly condemn the violent loss of life, the displacement that has taken place and all the violations of the human rights of the population. What has taken place in Southern Kordofan and in the Abyei Area is unacceptable. “ (Statement by the Russian Federation, S/PV.6559, 20.06.2011)</p> <p>France: “France calls urgently on the parties to negotiate a ceasefire, facilitate the delivery of humanitarian aid and return to dialogue to ensure the implementation of the Comprehensive Peace Agreement (CPA) and allow for the fair representation of all the minorities of Southern Kordofan. “ (Statement by France, S/PV.6559, 20.06.2011)</p> <p>Bosnia and Herzegovina: “Bosnia and Herzegovina is deeply concerned about the situation in Abyei. It is critical that all military elements be withdrawn from this area as an important element for bringing about peace. (...). We condemn all unilateral actions undertaken with a view to creating facts on the ground that would prejudice the outcome of negotiations. We are also concerned about the situation in Southern Kordofan State and continuing tensions in Blue Nile. (...) We strongly condemn all attacks on UNMIS and call on the parties to respect the Mission’s mandate and freedom of movement. “ (Statement by Bosnia and Herzegovina, S/PV.6559, 20.06.2011)</p> <p>India: “We urge all the parties concerned with an interest in the issues between the North and the South to encourage the parties to abjure violence and rededicate themselves to the same spirit in which they have implemented the CPA over the past six years. Unilateral actions, particularly military operations, will not be in the interests of either party. “ (Statement by India, S/PV.6559, 20.06.2011)</p> <p>China: “The Security Council should encourage both North and South to insist on taking the path of peace and on maintaining calm and restraint so as to put an immediate end to hostilities in Southern Kordofan, Blue Nile and other areas; to refrain from any actions and words that could lead to an escalation of the situation; and to fully implement the Comprehensive Peace Agreement (CPA). We hope that both North and South will capitalize on the existing positive momentum and reach a comprehensive solution to the problems in Southern Kordofan and Blue Nile. “ (Statement by China, S/PV.6559, 20.06.2011)</p>
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626 Government of South Sudan

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2. Source of law	Contestation about					Material
		3. facts	4. interpretation	5. exceptional circumstances	6. abstr. gen. level	7. validity	
1 self-defence	4 no spec.	1 Yes	1 Yes	2 No	2 No	2 No	<p>### South Sudan is stating that it is entitled to make use of the right to self-defence, as an attack by Sudan has occurred in the area of Abyei. ###</p> <p>“(…) recent violations of the CPA by the Government of the Sudan through armed attacks and destabilization efforts in the South, its failure to work in good faith to complete implementation of the existing agreements on Abyei’s final status, the stalling of efforts to define and demarcate the North/South borders, and the failure to conduct the popular consultations in Southern Kordofan and Blue Nile have put at risk the emergence of two States at peace after 9 July 2011. We face a situation where the Sudanese Armed Forces have taken Abyei (...). The Sudanese Armed Forces have now turned their attention to Southern Kordofan (...). Khartoum has recently conducted aerial bombardment of Agok, where many of Abyei’s displaced have fled, and has also conducted other bombardments inside Southern Sudan, such as in the area of Jau, in Unity State. (…)</p> <p>(…) the attack by the Sudan Armed Forces on Abyei was part of a deliberate plan conceived prior to 19 May 2011. While the Government of Southern Sudan regrets the 19 May shooting incident that led to an exchange of fire between the Sudan People’s Liberation Army (SPLA) and the Sudan Armed Forces in the Abyei Area, the use of force by Khartoum in Abyei has been completely unjustifiable and wholly disproportionate. (…)</p> <p>Under the Agreement [Addis Ababa Peace Agreement], the illegal claim over Abyei on the part of the Government of the Sudan will end.” (Statement by Sudan, S/PV.6559, 20.06.2011)</p>

						<p>“The Sudanese Army invaded the flashpoint town of Abyei over the weekend (...). After an air campaign on Friday, the north’s ground forces staged a full-scale invasion of Abyei on Saturday night (...) and southern Sudan called the invasion “a declaration of war.” “We will respond in self-defense,” said Barnaba Marial Benjamin, the information minister for the south’s semiautonomous government. “</p> <p>(“Warnings of All-Out War in Fight Over Sudan Town”, The New York Times, 22.05.2011, https://www.nytimes.com/2011/05/23/world/africa/23sudan.html (accessed on 20 November 2022))</p> <p>“South Sudan has denounced as an act of war the takeover by north Sudan forces of the contested border town of Abyei.</p> <p>A southern military spokesman told the BBC the North had attacked the area with 5,000 troops, killing civilians and southern soldiers.</p> <p>Southern military spokesman Col Philip Aguer said the North had committed an aggression, and called for the international community to step in.</p> <p>"If the international community do not intervene quickly to rescue the situation then this is a complete violation of the comprehensive peace agreement, a complete violation of the ceasefire, and it is a declaration of war by Khartoum," he told the BBC. “</p> <p>(“Sudan: Abyei seizure by north ‘act of war’, says south”, BBC, 22.05.2011, https://www.bbc.com/news/world-africa-13491445 (accessed on 20 November 2022))</p> <p>1.3. Contestation about facts</p> <p><i>### It is contested between South Sudan and Sudan whether South Sudan is supporting rebel groups in Sudan, which aim at overthrowing the government of Sudan.###</i></p> <p>“Khartoum [capital of Sudan] accuses South Sudan of arming fighters in the two states and has taken the matter to the UN Security Council, but South Sudan rejects the charges. “</p> <p>(“Sudan rebels form alliance to oust president”, Aljazeera, 13.11.2011, https://www.aljazeera.com/news/2011/11/13/sudan-rebels-form-alliance-to-oust-president/ (accessed on 20 November 2022))</p> <p>“Sudan has accused South Sudan of arming Sudanese rebels in the border states of Southern Kordofan and Blue Nile.</p> <p>Sudanese rebel leaders could not be reached for comment. “</p>
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					<p> (“Major Humanitarian Group Leaves a South Sudan Region”, The New York Times, 13.11.2011, https://www.nytimes.com/2011/11/14/world/africa/oxfam-leaves-south-sudan-border-area.html (accessed on 20 November 2022)) </p> <p> “Mr. Ibrahim [leader of the JEM rebel group] is believed to have recently reached out to the leaders of newly independent South Sudan for help in his battle against Khartoum, but it was not clear how eager the South Sudanese were to get embroiled in another war after fighting Khartoum for decades. “ </p> <p> (“Sudan’s Government Says Powerful Rebel Leader is Dead”, The New York Times, 25.12.2011, https://www.nytimes.com/2011/12/26/world/africa/sudanese-rebel-chief-reported-killed-by-army.html (accessed on 20 November 2022)) </p> <p> <u>1.4. Contestation about Application</u> <i>## #The affiliation of the territory of Abyei is disputed, as Sudan and South Sudan both argue that attacks by the other state would violate the CPA agreement and invoke their respective rights to self-defense. Thus, the interpretation of the right of self-defense is contested. ###</i> </p> <p> “The Sudanese government said the invasion was a response to recent attacks by southern forces in Abyei (...). Northern Sudanese officials accused the south of having violated the agreement by attacking their forces, and insisted they were within their rights to defend Abyei. “ </p> <p> (“Warnings of All-Out War in Fight Over Sudan Town”, The New York Times, 22.05.2011, https://www.nytimes.com/2011/05/23/world/africa/23sudan.html (accessed on 20 November 2022)) </p> <p> “South Sudan has denounced as an act of war the takeover by north Sudan forces of the contested border town of Abyei_ (...) Southern military spokesman Col Philip Aguer said the North had committed an aggression (...). </p> <p> "If the international community do not intervene quickly to rescue the situation then this is a complete violation of the comprehensive peace agreement, a complete violation of the ceasefire, and it is a declaration of war by Khartoum," he told the BBC. “ </p> <p> (Sudan: Abyei seizure by north ‘act of war’, says south”, BBC, 22.05.2011, https://www.bbc.com/news/world-africa-13491445 (accessed on 20 November 2022)) </p> <p> “The Sudanese Armed Forces intervened in Abyei following a very long period of patience and restraint. The former administrator of Abyei has failed to respect the Comprehensive Peace Agreement and withdraw his troops from the border region in question. </p>
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							(...) When the SPLM attacked the Joint Integrated Unit, comprised of our armed forces and those of the United Nations Mission in the Sudan (UNMIS) , they killed many of our soldiers. Since then, our armed forces had no choice but to intervene to put an end to the violations committed by the SPLM in Abyei. “ (Statement by Sudan, S/PV.6559, 20.06.2011)
Letter sent in accordance with Art. 51 UNCh	2 no						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	2 disapproves	### As the UNSC demanded Sudan and South Sudan to redeploy all armed forces from the border area, and in 2012, the UNSC condemned all incidents of cross-border violence between Sudan and South Sudan, the reaction by the UNSC is disapproving. For further information see: Elaboration for Sudan. ###
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	### States disapprove actions taken by South Sudan. For further information: See Sudan 9 ###

SRF (Sudan Revolutionary Front)

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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<p>5. Legitimacy Claim</p>	<p>7 enforcing specific political system</p>	<p><i>## #SRF (Sudan Revolutionary Front) is an alliance of Sudan rebel groups from the Darfur region, as well as from the Sudan States Blue Nile and South Kordofan. In Darfur, the movements JEM (Justice and Equality Movement) and SLM/A (Sudan Liberation Movement/Army) are fighting against the government since 2003. Further rebel groups in Sudan include SPLM/A-North, SSDM/A and SSLM/A (See: Key Facts). The alliance of SRF was founded in 2011 and is aiming to oust President al-Bashir, and to replace his regime with a democratic system. It is claiming to “answer a call of the Sudanese people for peace, democracy, equal citizenship and liberty” with its fighting. ###</i></p> <p>Rebels in Sudan’s Darfur region and in the troubled border states of Blue Nile and South Kordofan have formed an alliance to overthrow the government of President Omar al-Bashir, a statement released by the rebels said. The alliance, called the Sudanese Revolutionary Front, is bent on “toppling the regime of the [Sudan’s ruling] National Congress Party with all possible means” and replacing it with a democratic system, the groups said in the joint statement sent to the Reuters news agency on Saturday. (...)</p> <p>“This is a military and political alliance. We will co-ordinate fighting to end this government which wants no peace,” said Ibrahim el-Hilu, a spokesman for one faction of the Sudan Liberation Army, a rebel group in Darfur.” (“Sudan rebels form alliance to oust president”, Aljazeera, 13.11.2011, https://www.aljazeera.com/news/2011/11/13/sudan-rebels-form-alliance-to-oust-president/ (accessed on 20 November 2022))</p> <p>“Sudanese rebels from the border regions of Blue Nile and Southern Kordofan signed an alliance with those from the country’s Darfur region on Friday, forming the Sudan Revolutionary Front. It asked women and youth to join “popular resistance and armed struggle” against the Sudanese government. “Impelled by our patriotic duties and answering the call of our people for just peace, democracy, equal citizenship, liberty,” the agreement read, “we in the Sudan Revolutionary Front are committed to the convergence of both civil political action and armed struggle as the means for achieving these aims.” (“Major Humanitarian Group Leaves a South Sudan Region”, The New York Times, 13.11.2011, https://www.nytimes.com/2011/11/14/world/africa/oxfam-leaves-south-sudan-border-area.html (accessed on 20 November 2022))</p> <p>“In July, the government signed the Doha Document for Peace in Darfur with the Liberation and Justice Movement, an alliance of splinter rebel factions. The agreement, reached in Qatar and backed by the African Union, was seen as a basis for a cease-fire, power sharing, equal distribution of wealth and compensation for displaced people. JEM and factions of the Sudan Liberation Army headed by Minni Minnawi and Abdelwahid Nur, did not sign the deal. Instead, along with the SPLM-North rebels, they last month ratified documents forming the new Sudanese Revolutionary Front dedicated to “popular uprising and armed rebellion” against the National Congress Party regime in Khartoum. “ (“Sudan army kills Darfur rebel leader”, Aljazeera, 26.12.2011, https://www.aljazeera.com/news/2011/12/26/sudan-army-kills-darfur-rebel-leader/ (accessed on 20 November 2022))</p>
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		<p>“(…) the Justice and Equality Movement, the resilient group that he founded several years ago and that had recently teamed up with other dissidents in Darfur for a multipronged rebellion against the government in Khartoum. “ (NYT, 25.12.2011, “Sudan’s Government Says Powerful Rebel Leader is Dead”)</p> <p>“Last month, his movement [the Justice and Equality Movement] and several other rebel groups announced they were forming the Sudan Revolutionary Front, a military alliance to topple the Sudan government. “ (“Sudan’s Government Says Powerful Rebel Leader is Dead”, The New York Times, 25.12.2011, https://www.nytimes.com/2011/12/26/world/africa/sudanese-rebel-chief-reported-killed-by-army.html (accessed on 20 November 2022))</p> <p>“In 2011, the Sudan Revolutionary Front was formed as a coalition between the Justice and Equality Movement based in Darfur, the SPLM based in Blue Nile and South Kordofan, and the Sudan Liberation Army, all of which are armed organizations. The group was formed as an umbrella organization representing the south of Sudan and Darfur with roughly 60,000 fighters. “ (Elnaiem, M. (2019). Armed, unarmed, and non-violent: the sudanese resistance in sudan's 2018-2019 revolutionary uprising. Fletcher Forum of World Affairs, 43(2), pp. 5-26)</p>
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	Code	Material
6. UNSC Reaction	2 disapproves	<p>### <i>The UNSC related to Sudan and South Sudan in its resolutions and stated that the situation in Sudan constitutes a threat to international peace and security. As it condemned actions “by any armed group aimed at the forced overthrow of the government…” in resolution 2046, its reaction in regard to SRF, one of the rebel groups involved in the conflict, is disapproving.</i> ###</p> <p>UNSC Res 2046, 2 May 2012: “<i>Condemning</i> the repeated incidents of cross-border violence between Sudan and South Sudan, (...) and Sudanese Armed Forces aerial bombardments, Condemning actions by any armed group aimed at the forced overthrow of the government of either Sudan or South Sudan</p>
7. UNGA Reaction	4 no reaction	<i>see Sudan 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p>### <i>States are calling on all parties to refrain from military action (See: State reaction for Sudan). Thus, State reaction is disapproving. (For further information: See Sudan 9 ###</i></p>

JEM (Justice and Equality Movement)

	Code
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Law invoked?	2 No
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	<p>### The Justice and Equality Movement (JEM) is one of the two main rebel groups in the region of Darfur, and is fighting the government since 2003. JEM is fighting the government of al-Bashir, aiming at an equal distribution of resources and is fighting for development in the region.</p> <p>JEM is part of the Sudan Revolutionary Front (see above). No legitimacy claim is brought forward in relation to the conflict in 2011. ###</p>

		<p>“The Justice and Equality Movement (Jem) was founded by Darfuris drawn mostly from among former supporters of Islamist leader Hassan al-Turabi. He was a partner in President Omar al-Bashir's 1989 coup which overthrew Sadeq al-Mahdi's elected government.</p> <p>Jem is led by Khalil Ibrahim, a doctor who was one of the authors of "The Black Book", which documented the disproportionate power of three northern Arab tribes.</p> <p>Jem is currently the most significant fighting force in Darfur and in May 2008, the group launched an unprecedented attack on the Sudanese capital. “</p> <p>(“Who are Sudan’s Darfur rebels”, BBC, 23.02.2010, http://news.bbc.co.uk/2/hi/africa/7039360.stm (accessed on 20 November 2022))</p> <p>“Khartoum has held several rounds of talks with rebels in the western region of Darfur to try to resolve the conflict, which began in 2003 after the main rebel group there – the Justice for Equality Movement – complained of marginalisation. “</p> <p>(“Sudan rebels form alliance to oust president”, Aljazeera, 13.11.2011, https://www.aljazeera.com/news/2011/11/13/sudan-rebels-form-alliance-to-oust-president/ (accessed on 20 November 2022))</p> <p>“Inter-tribal tensions relating to resources and regional tensions generally in the west of Sudan led to a return to violence in 2003, when two local groups, the Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM) rose up against the government, seeking greater political voice and development for the region. The name of the region is now sadly familiar throughout the world: Darfur. “</p> <p>(Cryer, R. (2006). Sudan, resolution 1593, and international criminal justice. <i>Leiden Journal of International Law</i>, 19(1), pp. 195-222)</p> <p>“A rebellion was begun in February 2003 by one of now two or three rebel groups who feared at the time that they would not benefit from recently-begun peace and power sharing talks between the government of Sudan and the Southern People’s Liberation Army/Movement (SPLA/M), which whom the government had been fighting a bloody war for more than 20 years. The original manifestos of the larger of the two rebel groups, the Sudanese Liberation Army (SLA; the other is the Justice and Equality Movement, or JEM) invited the participation of all aggrieved Darfurians, and aimed to redress the history of neglect and exploitation of the Darfur region at the hands of the government. “</p> <p>(Patrick, E. (2005). Intent to destroy: the genocidal impact of forced migration in Darfur, Sudan. <i>Journal of Refugee Studies</i>, 18(4), pp. 410-429)</p>
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	Code	Material
6. UNSC Reaction	2 disapproves	### The UNSC related to Sudan and South Sudan in its resolutions and stated that the situation in Sudan constitutes a threat to international peace and security. As it condemned actions “by any armed group aimed at the forced overthrow of the

		government..." in resolution 2046, its reaction in regard to JEM, one of the rebel groups involved in the conflict, is disapproving. ### UNSC Res 2046, 2 May 2012: "Condemning the repeated incidents of cross-border violence between Sudan and South Sudan, (...) and Sudanese Armed Forces aerial bombardments, Condemning actions by any armed group aimed at the forced overthrow of the government of either Sudan or South Sudan
7. UNGA Reaction	4 no reaction	see Sudan 7
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	### States are calling on all parties to refrain from military action (See: State reaction for Sudan). Thus, State reaction is disapproving (See Sudan 9) ###

SLM/A (Sudan Liberation Movement/Army)

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	<p>### SLM/A is one of the two main rebel groups in the region of Darfur, and SLM/A is fighting in Darfur since 2003. SLM/A is part of the Sudan Revolutionary Front (see above). No legitimacy claim is brought forward in relation to the conflict in 2011. ###</p> <p>“With Jem, the Sudan Liberation Army (SLA) was one of the two original Darfur rebel groups, composed mainly of Fur, Zaghawa and Masalit – the three largest non-Arab tribes of Darfur. “ (“Who are Sudan’s Darfur rebels”, BBC, 23.02.2010, http://news.bbc.co.uk/2/hi/africa/7039360.stm (accessed on 20 November 2022))</p> <p>“A rebellion was begun in February 2003 by one of now two or three rebel groups who feared at the time that they would not benefit from recently-begun peace and power sharing talks between the government of Sudan and the Southern People’s Liberation Army/Movement (SPLA/M), which whom the government had been fighting a bloody war for more than 20 years. The original manifestos of the larger of the two rebel groups, the Sudanese Liberation Army (SLA; the other is the Justice and Equality Movement, or JEM) invited the participation of all aggrieved Darfurians, and aimed to redress the history of neglect and exploitation of the Darfur region at the hands of the government. “ (Patrick, E. (2005). Intent to destroy: the genocidal impact of forced migration in Darfur, Sudan. <i>Journal of Refugee Studies</i>, 18(4), pp. 410-429)</p> <p>“Inter-tribal tensions relating to resources and regional tensions generally in the west of Sudan led to a return to violence in 2003, when two local groups, the Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM) rose up against the government, seeking greater political voice and development for the region. The name of the region is now sadly familiar throughout the world: Darfur. “</p>

		<p>(Cryer, R. (2006). Sudan, resolution 1593, and international criminal justice. <i>Leiden Journal of International Law</i>, 19(1), pp. 195-222)</p> <p>“Juba [capital of South Sudan] regularly accuses Khartoum [capital of Sudan] of backing rebels in South Sudan to destabilise the new nation.</p> <p>North Sudan denies the charge, countering that the SPLA continues to support armed groups in north Sudan that fought with the former rebel movement in Sudan’s second civil war (1983-2005).”</p> <p>(“South Sudan says new evidence indicates Khartoum supported Athor”, <i>Sudan Tribune</i>, 27.12.2011, https://sudantribune.com/article40551/ (accessed on 20 November 2022))</p>
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	Code	Material
6. UNSC Reaction	2 disapproves	<p>### The UNSC related to Sudan and South Sudan in its resolutions and stated that the situation in Sudan constitutes a threat to international peace and security. As it condemned actions “by any armed group aimed at the forced overthrow of the government...” in resolution 2046, its reaction in regard to SLM/A, one of the rebel groups involved in the conflict, is disapproving. ###</p> <p>UNSC Res 2046, 2 May 2012: “Condemning the repeated incidents of cross-border violence between Sudan and South Sudan, (...) and Sudanese Armed Forces aerial bombardments, Condemning actions by any armed group aimed at the forced overthrow of the government of either Sudan or South Sudan</p>
7. UNGA Reaction	4 no reaction	<i>see Sudan 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	### States are calling on all parties to refrain from military action (See: State reaction for Sudan). Thus, State reaction is disapproving (See Sudan 9) ###

SPLM/A-North (Sudan People’s Liberation Movement/Army-North)

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	<p>## #The rebels of SPLM/A-North used to fight for independence of South Sudan, until South Sudan gained independence from Sudan on 09 July 2011. No legitimacy claim for the use of force is brought forward. ###</p> <p>“(…) the Sudan People’s Liberation Army (SPLA), the official army of South Sudan, which became independent in July. “ (“South Sudan says new evidence indicates Khartoum supported Athor”, Sudan Tribune, 27.12.2011, https://sudantribune.com/article40551/ (accessed on 20 November 2022))</p> <p>“The rebels of the Sudanese People’s Liberation Movement-North told Reuters that the shelling was in retaliation for attacks on their positions. Since last year, the rebels have clashed with Sudan’s government forces in South Kordofan, which borders South Sudan. The rebels previously fought alongside the forces of South Sudan before it gained independence from Sudan. “</p>

		<p>("Sudan: Rebels Shell City in Southern Border State", The New York Times, 08.10.2012, https://www.nytimes.com/2012/10/09/world/africa/sudan-rebels-shell-city-in-a-southern-border-state.html (accessed on 20 November 2022))</p> <p>"Nach der Teilung Sudans im Juli ist immer noch nicht klar, zu welchem Land das Gebiet [Süd Kordofan] künftig gehören soll. Die SPLA-Nord ist der militärische Arm der SPLM, welche die wichtigste Oppositionspartei in Sudan ist. Beide sind Ableger der SPLA, die während des 22 Jahre dauernden Bürgerkriegs für die Loslösung Südsudans von Khartum kämpfte und seit dessen Unabhängigkeit am 9. Juli in Südsudan regiert. Auch in zwei weiteren Regionen, Blauer Nil und Abyei, kommt es regelmäßig zu Gewaltausbrüchen." ("Hunderte Rebellen bei Kämpfen im Sudan getötet", Frankfurter Allgemeine Zeitung, 02.11.2011, https://www.faz.net/aktuell/politik/ausland/sued-kordofan-hunderte-rebellen-bei-kaempfen-in-sudan-getoetet-11514059.html (accessed on 20 November 2022))</p>
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	Code	Material
6. UNSC Reaction	2 disapproves	<p>### The UNSC related to Sudan and South Sudan in its resolutions and stated that the situation in Sudan constitutes a threat to international peace and security. As it condemned actions "by any armed group aimed at the forced overthrow of the government..." in resolution 2046, its reaction in regard to SPLM/A-North, one of the rebel groups involved in the conflict, is disapproving. ###</p> <p>UNSC Res 2046, 2 May 2012: "Condemning the repeated incidents of cross-border violence between Sudan and South Sudan, (...) and Sudanese Armed Forces aerial bombardments, Condemning actions by any armed group aimed at the forced overthrow of the government of either Sudan or South Sudan</p>
7. UNGA Reaction	4 no reaction	see Sudan 7
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	### States are calling on all parties to refrain from military action (See: State reaction for Sudan). Thus, State reaction is disapproving (See Sudan 9) ###

SSDM/A (South Sudan Democratic Movement)

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	<p>### SSDM/A: (South Sudan Democratic Movement/Army) is not bringing forward a legitimacy claim. ###</p> <p>“South Sudan’s military said Saturday it has found further evidence indicating that north Sudan is supporting the South Sudan Democratic Movement (SSDM) – a rebel group in Jonglei and Upper Nile states. (...) SPLA spokesperson, Phillip Aguer, told Sudan Tribune that the army have found documents containing information clearly showing that Sudan was fully supporting Athor’s [leader of SSDM] rebel group. (...) Juba [capital of South Sudan] regularly accuses Khartoum [capital of Sudan] of backing rebels in South sudan to destabilise the new nation.</p>

		North Sudan denies the charge, countering that the SPLA continues to support armed groups in north Sudan that fought with the former rebel movement in Sudan’s second civil war (1983-2005)." ("South Sudan says new evidence indicates Khartoum supported Athor", Sudan Tribune, 27.12.2011, https://sudantribune.com/article40551/ (accessed on 20 November 2022))
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	Code	Material
6. UNSC Reaction	2 disapproves	<p>### The UNSC related to Sudan and South Sudan in its resolutions and stated that the situation in Sudan constitutes a threat to international peace and security. As it condemned actions "by any armed group aimed at the forced overthrow of the government..." in resolution 2046, its reaction in regard to SPLM/A-North, one of the rebel groups involved in the conflict, is disapproving. ###</p> <p>UNSC Res 2046, 2 May 2012: <i>"Condemning the repeated incidents of cross-border violence between Sudan and South Sudan, (...) and Sudanese Armed Forces aerial bombardments,</i> <i>Condemning actions by any armed group aimed at the forced overthrow of the government of either Sudan or South Sudan</i></p>
7. UNGA Reaction	4 no reaction	<i>see Sudan 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	### States are calling on all parties to refrain from military action (See: State reaction for Sudan). Thus, State reaction is disapproving (See Sudan 9) ###

SSLM/A (South Sudan Liberation Movement)

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	

0	0	0	0	0	0	0	0
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1.	0 – no legitimacy claim for the use of force	<p>### SSLM/A claims to be fighting against corruption, underdevelopment and the domination of the Sudan People's Liberation Movement, the former rebels who now run South Sudan. ###</p> <p>“ The South Sudan Liberation Army rebel group is active in Unity State - it denies claims that it is working for Khartoum in order to destabilise its neighbour. “ (BBC, 11.11.2011, “Sudan ‘bombs refugees’ in South Sudan’s Unity State”, retrieved at https://www.bbc.com/news/world-africa-15678261)</p> <p>“ The SSLA had said they were fighting against corruption, underdevelopment and the domination of the Sudan People's Liberation Movement, the former rebels who now run South Sudan. Its armed wing, the SPLA, which is now the army, is largely made up of members of the Dinka community, while most of the SSLA are from the Nuer ethnic group, the second biggest in South Sudan. “ (BBC, 26.04.2013, “South Sudan rebels: SSLA ‘surrenders’”, retrieved at https://www.bbc.com/news/world-africa-22316453)</p> <p>“ South Sudan army spokesman Brig Malaak Ayuen said ... The local authorities accuse the government in Khartoum of backing the rebels to destabilise South Sudan, which will soon become independent. (...) Brig Ayuen said rebels led by Maj-Gen Gabriel Tang were responsible for the fighting on Saturday, south of the town of Malakal. Gen Tang led a southern border militia allied to the government in Khartoum during Sudan's 21-year civil war that ended in 2005.</p>

		<p>His forces were accused of burning and looting southern villages along the Nile River during the conflict, which left two million people dead.</p> <p>Members of the Sudanese armed forces loyal to Gen Tang in Malakal clashed with the Sudan People's Liberation Army (SPLA) in 2006 and 2009 in breach of the peace deal. The 2006 fighting killed about 150 people.”</p> <p>(BBC, 24.04.2011, “South Sudan Clashes between army and militia kill 57”, retrieved at https://www.bbc.com/news/world-africa-13182109)</p>
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	Code	Material
6. UNSC Reaction	2 disapproves	<p>### The UNSC related to Sudan and South Sudan in its resolutions and stated that the situation in Sudan constitutes a threat to international peace and security. As it condemned actions “by any armed group aimed at the forced overthrow of the government...” in resolution 2046, its reaction in regard to SPLM/A-North, one of the rebel groups involved in the conflict, is disapproving. ###</p> <p>UNSC Res 2046, 2 May 2012: “Condemning the repeated incidents of cross-border violence between Sudan and South Sudan, (...) and Sudanese Armed Forces aerial bombardments, Condemning actions by any armed group aimed at the forced overthrow of the government of either Sudan or South Sudan</p>
7. UNGA Reaction	4 no reaction	<i>see Sudan 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	### States are calling on all parties to refrain from military action (See: State reaction for Sudan). Thus, State reaction is disapproving (See Sudan 9) ###

68. DR Congo et al. vs. APCLS and M23, 2013*Key data*

Duration: late February 2013- November 2013; Parties: DR Congo (supported by Malawi, South Africa, Tansania) vs. APCLS and M23 (supported by Rwanda); Initiator: APCLS/M23.

490 DR Congo

	Code
Law invoked?	2 No

1.1 Justificatory claim	2 Source of law	Contestation about					Material
		3 facts	4 interpretation	5. exceptional circumstances	6 abstr. gen. level	7 validity	
0	0	0	0	0	0	0	### Note: the offensive was carried out i.a. by Congolese State forces on Congolese territory. It would therefore be plausible for the DRC to not have lodged any justificatory claims regarding their use of force. ###
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	

560 South Africa (UN Force Intervention Brigade)

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### unable to find an explicit claim by South Africa justifying their use of force while referencing the FIB, therefore the Resolution stands alone as legal context ###</p> <p>Resolution 2098 (2013) (UNYB 2013 P1 Ch2 p. 107):</p> <p>“On 28 March [meeting 6943], the Security Council unanimously adopted resolution 2098(2013). The draft [S/2013/195] was submitted by France, Togo and the United States:</p> <p>[...]</p> <p>Acting under Chapter VII of the Charter of the United Nations, [...]</p> <p>9. Decides to extend the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo until 31 March 2014, takes note of the recommendations contained in the special report of the Secretary-General on the Democratic Republic of the Congo and in the Great Lakes region regarding the Mission, and decides that the Mission shall, for an initial period of one year and within the authorized troop ceiling of 19,815, on an exceptional basis and without creating a precedent or any prejudice to the agreed principles of peacekeeping, include an “intervention brigade” consisting, inter alia, of three infantry battalions, one artillery and one special force and reconnaissance company with headquarters in Goma, under the direct command of the Force Commander of the Mission, with the responsibility of neutralizing armed groups as set out in paragraph 12 (b) below and the objective of contributing to reducing the threat posed by armed groups to State authority and civilian security in eastern Democratic Republic of the Congo, and to make space for stabilization activities;</p> <p>10. Decides also that the Intervention Brigade will have a clear exit strategy and that the Council will consider the continued presence of the Intervention Brigade in the light of its performance and of whether the Democratic Republic of the Congo, which has the primary responsibility for safeguarding its sovereignty and territorial integrity, has made sufficient progress in implementing its commitments under the psc Framework, as well as the establishment and implementation of a national security sector reform roadmap for the creation of a Congolese “rapid reaction force” able to take over responsibility for achieving the objective of the Intervention Brigade;</p>

						<p>11. Decides further that future reconfigurations of the Mission and its mandate should be determined on the basis of the evolution of the situation on the ground and, in the context of implementation by the Government of the Democratic Republic of the Congo and all other signatories of the psc Framework, progress towards the following objectives:</p> <p>(a) Reduction of the threat posed by Congolese and foreign armed groups, including through the operations by the Intervention Brigade, violence against civilians, including sexual and gender-based violence and violence against children to a level that can be effectively managed by the Congolese justice and security institutions;</p> <p>(b) Stabilization through the establishment of functional State security institutions in conflict-affected areas, and through strengthened democratic order that reduces the risk of instability, including adequate political space, the observance of human rights and a credible electoral process;</p> <p>12. Authorizes the Mission, through its military component, in pursuit of the objectives described in paragraph 11 above, to take all necessary measures to perform the following tasks, through its regular forces and its Intervention Brigade as appropriate:</p> <p>(a) Protection of civilians</p> <p>(i) Ensure, within its area of operations, effective protection of civilians under imminent threat of physical violence, including civilians gathered in displaced and refugee camps, humanitarian personnel and human rights defenders, in the context of violence emerging from any of the parties engaged in the conflict, and mitigate the risk to civilians before, during and after any military operation;</p> <p>(ii) Ensure the protection of United Nations personnel, facilities, installations and equipment;</p> <p>(iii) Work with the Government of the Democratic Republic of the Congo to identify threats to civilians and implement existing response plans to ensure the protection of civilians from abuses and violations of human rights and violations of international humanitarian law, including all forms of sexual and gender-based violence and grave violations against children, and requests the Mission to ensure that child protection concerns are integrated into all operations and strategic aspects of the work of the Mission and accelerate the implementation of monitoring, analysis and reporting arrangements on conflict-related sexual violence, as called for in resolution 1960(2010), and employ women’s protection advisers to engage with parties to conflict in order to seek commitments on the prevention of and response to conflict-related sexual violence;</p> <p>(b) Neutralizing armed groups through the Intervention Brigade in support of the authorities of the Democratic Republic of the Congo, on the basis of information collation and analysis, and taking full account of the need to protect civilians and mitigate risk before, during and after any military operation, carry out targeted offensive operations through the Intervention Brigade referred to in paragraphs 9 and 10 above, either unilaterally or jointly with the Armed Forces of the Democratic Republic of the Congo, in a robust, highly mobile and versatile manner and in strict compliance with international law, including international humanitarian law and with the human rights due</p>
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							diligence policy on United Nations support to non-United Nations forces, to prevent the expansion of all armed groups, neutralize these groups and disarm them in order to contribute to the objective of reducing the threat posed by armed groups on State authority and civilian security in eastern Democratic Republic of the Congo and to make space for stabilization activities;[...]"
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	### Authorized the mission; see South Africa 1.1. ###
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	At the 6943rd meeting of the UNSC, 28 March 2013 (S/PV/6943): Rwanda: ### voted in favor of the resolution establishing the FIB

	<p>“We applaud the creation of an Intervention Brigade within the [MONUSCO], which, as the Council will recall, is a regional initiative.”</p> <p><i>### Initially envisioned by the South African Development Community and the Conference on the Great Lakes Region. Subsequently integrated into MONUSCO to avoid two parallel international operations. ###</i></p> <p>“[...] By deploying the Intervention Brigade, we underscore the need to ensure that the impartiality of the military component of MONUSCO and the protection of Blue Helmets not be endangered at any cost. We reiterate the importance of a clear separation between the role of the Intervention Brigade and that of the regular forces of MONUSCO, whose main purpose is to protect civilians, especially against sexual violence, which has reached alarming rates in the eastern part of the Democratic Republic of the Congo. [...] We welcome the use of Chapter VIII of the Charter of the United Nations.”</p> <p>Guatemala: <i>### voted in favor of the resolution</i> “[...] Nevertheless, we wish to place on record some of our concerns — concerns that caused us to waver in joining the consensus and that have not yet been fully dissipated — with regard to the resolution just adopted. There are three concerns. First, we still have serious difficulties in terms of the involvement of the United Nations in peace-enforcement activities, as such activities may compromise the neutrality and impartiality that we deem so essential to the Organization’s peacekeeping activities. As a matter of principle, we believe that, when domestic armed groups challenge the host-country State, the United Nations mission must offer its good offices, mediate and even take a proactive stance in resolving the dispute. But its presence should be perceived by all parties as that of an honest broker, not a potential party to the conflict. In this instance, we understood the reasons for and the logic behind the Secretary-General’s proposal to deploy a dedicated specialized Intervention Brigade to be established within MONUSCO. We would have preferred, however, that the Brigade, mandated with offensive capabilities, be defined as a self-contained unit with specific responsibilities, clearly distinguishable from the mandates of the other MONUSCO brigades, which would then be entrusted with the more conventional duties of robust peacekeeping operations, including the protection of civilians. We are concerned that the entire MONUSCO runs the risk of indirectly becoming a peace enforcement mission. That would raise many conceptual, operational and legal considerations that, in our view, have not been adequately explored in the course of negotiating the text. We trust that we will have the opportunity to undertake that in-depth analysis in the future with all the actors involved, including, of course, the troop-contributing countries [...]”</p> <p>United Kingdom: <i>### voted in favor of the resolution</i> “The United Kingdom welcomes the adoption of the resolution 2098 (2013) and thanks France for its role in leading the negotiations on it. [...] Renewing the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), with the inclusion of an Intervention Brigade, is an important means by which the United Nations contributes to the realization of that vision. By doing so, the Security Council and the United Nations has moved into new territory.”</p>
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		<p>For it to succeed, it will be important for the whole Mission, including all its troop contingents, whether they are a part of the Intervention Brigade or not, to be willing and able to fully implement the whole of the Mission’s mandate. [...]</p> <p>Argentina: <i>### voted in favor of the resolution</i> “Argentina joined the consensus on resolution 2098 (2013) for three main reasons. The first reason is the concern among the international community about the ongoing deterioration of the humanitarian situation owing to the armed violence in the Democratic Republic of the Congo and the need to ensure the protection of human rights and international humanitarian law, the rule of law and an end to impunity, in particular in the eastern part of the country. Those objectives are clearly set out in the resolution we have just adopted, which calls on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo to play a central role. Secondly, the resolution responds to the request of the Government of the Democratic Republic of the Congo and has the support of the countries of the region. Argentina believes those two aspects, namely, national ownership and respect for regional initiatives, to be key not only in the area of peacekeeping operations but also in the Security Council’s consideration of any action that it takes in the context of its primary responsibility, that is, to maintain international peace and security. [...]Our agreement on those points does not mean that we do not harbor some concerns and well-founded doubts as to the establishment of the Intervention Brigade, in particular with regard to its ability to use force in offensive actions, even though paragraph 9 of resolution 2098 (2013) refers to that decision as being “on an exceptional basis and without creating a precedent or any prejudice to the agreed principles of peacekeeping. We believe that the consultations that preceded the adoption of the resolution were not as inclusive or as in-depth as called for by a resolution of this kind. In that regard, with a view to the future and in a constructive attitude, Argentina believes that we will also be responsible for ensuring that this does not have an unfavorable impact on the very concept and principles of neutrality and impartiality with regard to peacekeeping missions. I reiterate that we believe that we are facing a conceptual change of the traditional understanding of peacekeeping operations. [...]</p> <p>Luxembourg: <i>### voted in favor of the resolution</i> “We welcome the adoption of resolution 2098 (2013), drafted on France’s initiative, barely one month following the adoption of the Framework for Peace, Security and Cooperation for the Democratic Republic of the Congo and the Region. The new mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) reflects the international community’s commitment to addressing the underlying causes of the conflict in the eastern part of that country and to bringing to an end to the recurring cycle of violence. The strengthening of MONUSCO provided for in the resolution will support the political process put in place by the Framework Agreement. [...]The resolution we have just adopted entrusts MONUSCO with a peace-enforcement mandate in order to neutralize armed groups. The Intervention Brigade to be part of MONUSCO will have a key role to play in that regard. Moreover, MONUSCO should actively support the Congolese authorities and coordinate the efforts of the country’s partners in reforming the security sector, which is an issue to which we attach great importance. [...]</p>
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		<p>Pakistan: <i>### voted in favor of the resolution</i> “[...]Before the negotiations on resolution 2098 (2013), we had several reservations. However, through intense engagements, a number of those concerns have been addressed. Our interpretation of this resolution with regard to the Intervention Brigade is as follows. The resolution clearly states, in paragraph 9, that the establishment of the Intervention Brigade is “on an exceptional basis and without creating a precedent or any prejudice to the agreed principles of peacekeeping”. The resolution clearly defines the goals and tasks of the Intervention Brigade and outlines its exit strategy, which focuses on building the capacity of a Congolese rapid-reaction force that would take over the tasks of the Intervention Brigade. Moreover, the resolution clearly outlines the respective tasks of the Intervention Brigade and its regular forces, including the associated mission concept, the concept of operations and the rules of engagement. The text also lays particular emphasis on deterring any attacks against peacekeeper and underlines the need for strengthening the security of United Nations personnel. Pakistan remains fully committed to the basic principles of peacekeeping, including the consent of the parties, impartiality and the non-use of force, except in self-defence and defence of the mandate. Deployed in one of the most restive regions in the eastern part of the Democratic Republic of the Congo, Pakistani peacekeepers are an integral part of the Mission and have played an important role in the effective discharge of the Mission’s mandate. Notwithstanding our continuing concerns and reservations with regard to the concept of the Intervention Brigade and its possible implications for the safety and security of peacekeepers, we supported the resolution as an expression of our commitment to peace and stability in the Democratic Republic of the Congo and the wider region. We will continue to support the Government of the Democratic Republic of the Congo and to stand by its people in their quest for security and stability.”</p> <p>Morocco: <i>### voted in favor of the resolution</i> “[...]By adopting this resolution, the Council has also favourably responded to the call launched jointly and in a spirit of solidarity by the Democratic Republic of the Congo and the International Conference on the Great Lakes Region for the establishment of an Intervention Brigade operating within MONUSCO. Morocco welcomes this decision, which responds to a specific and exceptional request aimed at addressing the alarming security, military and humanitarian situation in the eastern part of the Democratic Republic of the Congo. We believe that that approach, which was requested by the Democratic Republic of the Congo, is the appropriate one to take while awaiting the strengthening of the Congolese security forces, in particular through the establishment of a rapid-reaction force, as stipulated in the resolution. We hope that that force will be able to quickly take up the tasks of the United Nations Brigade. By voting in favour of resolution 2098 (2013), the Kingdom of Morocco, as a troop-contributing country to MONUSCO, wishes to reiterate its commitment to the founding principles that govern peacekeeping operations. In the coming stages, and as the United Nations undertakes the implementation of this resolution, we call for the troop- and police-contributing countries to be consulted on a regular basis so as to achieve optimal synergy between all the component elements of MONUSCO, especially between the regular forces and the Intervention Brigade. Similarly, the selection of the forces that will make up the Intervention Brigade and its command structure seems to us of determining importance to ensure efficient and consistent action by the United Nations on the ground.”</p>
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	<p>China: <i>### voted in favor of the resolution</i> “[...]China is seriously concerned about the worsening security and humanitarian situation in the eastern part of the Democratic Republic of the Congo and is deeply worried about the serious consequences that it has for regional peace and security. [...]China believes that the three peacekeeping principles of the United Nations, including the consent of the parties, impartiality and the non-use of force, except in self-defence and in defence of the mandate, provide an important guarantee for the success of United Nations peacekeeping operations. They have been widely supported by the vast majority of developing countries and therefore should continue to be adhered to. At the same time, we have always supported the efforts made by African countries and regional organizations to maintain regional peace and security. We therefore attach great importance to the request by the Democratic Republic of the Congo and the relevant regional organizations in Africa for the deployment of the Intervention Brigade and the adjustment of the mandate of MONUSCO. In view of what I have just mentioned, China agrees on an exceptional basis to the deployment of an Intervention Brigade within MONUSCO. Under the terms of this resolution, the deployment of this Intervention Brigade does not constitute any precedent, nor does it affect the continued adherence of the United Nations to the peacekeeping principles.”</p> <p>France: <i>### voted in favor of the resolution</i> “[...]With respect to the situation on the ground, the resolution sets out measures to reduce the threat posed by armed groups to civilians. It allows, for the first time, for the deployment of an Intervention Brigade with an offensive mandate in order to prevent the armed groups from expanding and to neutralize and disarm them with a view to finally bringing about a stabilization of the situation in eastern part of the Democratic Republic of the Congo. The resolution also clarifies that MONUSCO is effectively charged with monitoring the eastern border of the Democratic Republic of the Congo. Those tasks do not change, however, the core of MONUSCO’s mandate, which remains above all a peacekeeping operation tasked primarily with protecting civilians, a concern that affects all of the text’s provisions. With respect to the Intervention Brigade’s activities, the resolution stresses that MONUSCO must seek to contain the threat to civilians before, during and after all military operations. It will also continue to guarantee respect for human rights, as that is still at the core of its mandate. The Intervention Brigade will necessarily work in full compliance with international humanitarian law and human rights law and respect United Nations human rights policy. [...]”</p> <p>Russia: <i>### voted in favor of the resolution</i> “Russia supported the adoption of resolution 2098 (2013) and welcomed the signing, on 24 February in Addis Ababa, of the Framework for Peace, Security and Cooperation for the Democratic Republic of the Congo and the Great Lakes Region as an important step in resolving the crisis in the eastern part of the Democratic Republic of the Congo. We also supported the proposal of the Secretary-General for modifying the currently deployed United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) peacekeeping contingent and its reconfiguring so as to achieve a qualitative breakthrough in combating anti-governmental groups in the eastern part of the country. Moreover, it was important to us that the mandate of the future brigade and the remaining contingents of the Mission be carefully limited. That provides the</p>
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	<p>opportunity to observe the basic United Nations peacekeeping principles on supporting peace, rather than forcing or imposing peace, and to ensure the security of peacekeepers.”</p> <p>DR Congo: <i>### not a voting Member of the Council at the time</i> “[...]By deciding to deploy an Intervention Brigade with an offensive mandate in the eastern part of the Democratic Republic of the Congo to neutralize all the harmful forces that are committing the worst atrocities against civilians, the Council has decided to take a significant and innovative approach to traditional peacekeeping mechanisms. Thanks to that decision, the United Nations has once again proven its active solidarity with those who suffer the horrors of war, as is sadly the case in my country. It has also shown its unwavering determination and an increasingly resolute commitment to work for peace and security in the world, in accordance with the tasks assigned to it under the Charter of the United Nations. [...]”</p>
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553 Malawi (UN Force Intervention Brigade)

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p><i>### The involved States did not explicitly „justify“ their actions, as they were clearly operating under the MONUSCO framework. Therefore, they have not been coded individually, but jointly as the FIB. Res. 2098, authorizing this mission, is the only relevant legal basis to code in this context. ###</i></p> <p><i>### unable to find an explicit claim by Malawi justifying their use of force while referencing the FIB, therefore the Resolution stands alone as legal context ###</i></p>

						<p>Resolution 2098 (2013) (UNYB 2013 P1 Ch2 p. 107):</p> <p>“On 28 March [meeting 6943], the Security Council unanimously adopted resolution 2098(2013). The draft [S/2013/195] was submitted by France, Togo and the United States:</p> <p>[...]</p> <p>Acting under Chapter VII of the Charter of the United Nations, [...]</p> <p>9. Decides to extend the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo until 31 March 2014, takes note of the recommendations contained in the special report of the Secretary-General on the Democratic Republic of the Congo and in the Great Lakes region regarding the Mission, and decides that the Mission shall, for an initial period of one year and within the authorized troop ceiling of 19,815, on an exceptional basis and without creating a precedent or any prejudice to the agreed principles of peacekeeping, include an “intervention brigade” consisting, inter alia, of three infantry battalions, one artillery and one special force and reconnaissance company with headquarters in Goma, under the direct command of the Force Commander of the Mission, with the responsibility of neutralizing armed groups as set out in paragraph 12 (b) below and the objective of contributing to reducing the threat posed by armed groups to State authority and civilian security in eastern Democratic Republic of the Congo, and to make space for stabilization activities;</p> <p>10. Decides also that the Intervention Brigade will have a clear exit strategy and that the Council will consider the continued presence of the Intervention Brigade in the light of its performance and of whether the Democratic Republic of the Congo, which has the primary responsibility for safeguarding its sovereignty and territorial integrity, has made sufficient progress in implementing its commitments under the psc Framework, as well as the establishment and implementation of a national security sector reform roadmap for the creation of a Congolese “rapid reaction force” able to take over responsibility for achieving the objective of the Intervention Brigade;</p> <p>11. Decides further that future reconfigurations of the Mission and its mandate should be determined on the basis of the evolution of the situation on the ground and, in the context of implementation by the Government of the Democratic Republic of the Congo and all other signatories of the psc Framework, progress towards the following objectives:</p> <p>(a) Reduction of the threat posed by Congolese and foreign armed groups, including through the operations by the Intervention Brigade, violence against civilians, including sexual and gender-based violence and violence against children to a level that can be effectively managed by the Congolese justice and security institutions;</p>
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						<p>(b) Stabilization through the establishment of functional State security institutions in conflict-affected areas, and through strengthened democratic order that reduces the risk of instability, including adequate political space, the observance of human rights and a credible electoral process; 12. Authorizes the Mission, through its military component, in pursuit of the objectives described in paragraph 11 above, to take all necessary measures to perform the following tasks, through its regular forces and its Intervention Brigade as appropriate:</p> <p>(a) Protection of civilians</p> <p>(i) Ensure, within its area of operations, effective protection of civilians under imminent threat of physical violence, including civilians gathered in displaced and refugee camps, humanitarian personnel and human rights defenders, in the context of violence emerging from any of the parties engaged in the conflict, and mitigate the risk to civilians before, during and after any military operation;</p> <p>(ii) Ensure the protection of United Nations personnel, facilities, installations and equipment;</p> <p>(iii) Work with the Government of the Democratic Republic of the Congo to identify threats to civilians and implement existing response plans to ensure the protection of civilians from abuses and violations of human rights and violations of international humanitarian law, including all forms of sexual and gender-based violence and grave violations against children, and requests the Mission to ensure that child protection concerns are integrated into all operations and strategic aspects of the work of the Mission and accelerate the implementation of monitoring, analysis and reporting arrangements on conflict-related sexual violence, as called for in resolution 1960(2010), and employ women’s protection advisers to engage with parties to conflict in order to seek commitments on the prevention of and response to conflict-related sexual violence;</p> <p>(b) Neutralizing armed groups through the Intervention Brigade in support of the authorities of the Democratic Republic of the Congo, on the basis of information collation and analysis, and taking full account of the need to protect civilians and mitigate risk before, during and after any military operation, carry out targeted offensive operations through the Intervention Brigade referred to in paragraphs 9 and 10 above, either unilaterally or jointly with the Armed Forces of the Democratic Republic of the Congo, in a robust, highly mobile and versatile manner and in strict compliance with international law, including international humanitarian law and with the human rights due diligence policy on United Nations support to non-United Nations forces, to prevent the expansion of all armed groups, neutralize these groups and disarm them in order to contribute to the objective of reducing the threat posed by armed groups on State authority and civilian security in eastern Democratic Republic of the Congo and to make space for stabilization activities;[...]"</p>
<p>Letter sent in accordance with Art. 51 UNCh</p>	<p>0 – not applicable</p>					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	### Authorized the mission; see Malawi 1.1. ###
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	see South Africa 9

510 Tanzania (UN Force Intervention Brigade)

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
2 Chapter VII	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### unable to find an explicit claim by Tanzania justifying their use of force while referencing the FIB, therefore the Resolution stands alone as legal context; however one reference in a GA address, no legal invocation therefore coded as legitimacy claim (see below) ###</p> <p>Resolution 2098 (2013) (UNYB 2013 P1 Ch2 p. 107):</p> <p>“On 28 March [meeting 6943], the Security Council unanimously adopted resolution 2098(2013). The draft [S/2013/195] was submitted by France, Togo and the United States:</p> <p>[...]</p> <p>Acting under Chapter VII of the Charter of the United Nations, [...]</p> <p>9. Decides to extend the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo until 31 March 2014, takes note of the recommendations contained in the special report of the Secretary-General on the Democratic Republic of the Congo and in the Great Lakes region regarding the Mission, and decides that the Mission shall, for an initial period of one year and within the authorized troop ceiling of 19,815, on an exceptional basis and without creating a precedent or any prejudice to the agreed principles of peacekeeping, include an “intervention brigade” consisting, inter alia, of three infantry battalions, one artillery and one special force and reconnaissance company with headquarters in Goma, under the direct command of the Force Commander of the Mission, with the responsibility of neutralizing armed groups as set out in paragraph 12 (b) below and the objective of contributing to reducing the threat posed by armed groups to State authority and civilian security in eastern Democratic Republic of the Congo, and to make space for stabilization activities;</p> <p>10. Decides also that the Intervention Brigade will have a clear exit strategy and that the Council will consider the continued presence of the Intervention Brigade in the light of its performance and of whether the Democratic Republic of the Congo, which has the primary responsibility for safeguarding its sovereignty and territorial integrity, has made sufficient progress in implementing</p>

						<p>its commitments under the psc Framework, as well as the establishment and implementation of a national security sector reform roadmap for the creation of a Congolese “rapid reaction force” able to take over responsibility for achieving the objective of the Intervention Brigade;</p> <p>11. Decides further that future reconfigurations of the Mission and its mandate should be determined on the basis of the evolution of the situation on the ground and, in the context of implementation by the Government of the Democratic Republic of the Congo and all other signatories of the psc Framework, progress towards the following objectives:</p> <p>(a) Reduction of the threat posed by Congolese and foreign armed groups, including through the operations by the Intervention Brigade, violence against civilians, including sexual and gender-based violence and violence against children to a level that can be effectively managed by the Congolese justice and security institutions;</p> <p>(b) Stabilization through the establishment of functional State security institutions in conflict-affected areas, and through strengthened democratic order that reduces the risk of instability, including adequate political space, the observance of human rights and a credible electoral process;</p> <p>12. Authorizes the Mission, through its military component, in pursuit of the objectives described in paragraph 11 above, to take all necessary measures to perform the following tasks, through its regular forces and its Intervention Brigade as appropriate:</p> <p>(a) Protection of civilians</p> <p>(i) Ensure, within its area of operations, effective protection of civilians under imminent threat of physical violence, including civilians gathered in displaced and refugee camps, humanitarian personnel and human rights defenders, in the context of violence emerging from any of the parties engaged in the conflict, and mitigate the risk to civilians before, during and after any military operation;</p> <p>(ii) Ensure the protection of United Nations personnel, facilities, installations and equipment;</p> <p>(iii) Work with the Government of the Democratic Republic of the Congo to identify threats to civilians and implement existing response plans to ensure the protection of civilians from abuses and violations of human rights and violations of international humanitarian law, including all forms of sexual and gender-based violence and grave violations against children, and requests the Mission to ensure that child protection concerns are integrated into all operations and strategic aspects of the work of the Mission and accelerate the implementation of monitoring, analysis and reporting arrangements on conflict-related sexual violence, as called for in resolution 1960(2010), and employ women’s protection advisers to engage with parties to conflict in order to seek commitments on the prevention of and response to conflict-related sexual violence;</p> <p>(b) Neutralizing armed groups through the Intervention Brigade in support of the authorities of the Democratic Republic of the Congo, on the basis of information collation and analysis, and taking full account of the need to protect civilians and mitigate risk before, during and after any military operation, carry out targeted offensive operations through the Intervention Brigade referred to in</p>
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							paragraphs 9 and 10 above, either unilaterally or jointly with the Armed Forces of the Democratic Republic of the Congo, in a robust, highly mobile and versatile manner and in strict compliance with international law, including international humanitarian law and with the human rights due diligence policy on United Nations support to non-United Nations forces, to prevent the expansion of all armed groups, neutralize these groups and disarm them in order to contribute to the objective of reducing the threat posed by armed groups on State authority and civilian security in eastern Democratic Republic of the Congo and to make space for stabilization activities;[...]"
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	3 maintenance of regional stability system	"It is in that context that we welcomed an expanded mandate for the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo as per Security Council resolution 2098 (2013), which, among other things, established the Intervention Brigade. Tanzania agreed to contribute troops to the Brigade because we believe it will help to deter belligerence and create a conducive environment for a political process to take effect." (A/68/PV.16)

	Code	Material
6. UNSC Reaction	1 approves	### Authorized the mission; see South Africa 1.1. ###
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	see South Africa 9

APCLS

	Code
Law invoked?	2 No

1.1 Justificatory claim	2 Source of law	Contestation about					Material
		3 facts	4 interpretation	5. exceptional circumstances	6 abstr. gen. level	7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	2 disapproves	<p>Resolution 2098 (2013) (UNYB 2013 P1 Ch2 p. 107):</p> <p>“On 28 March [meeting 6943], the Security Council unanimously adopted resolution 2098(2013). The draft [S/2013/195] was submitted by France, Togo and the United States:</p> <p>The Security Council, Recalling its previous resolutions and the statements by its President concerning the Democratic Republic of the Congo, especially its resolutions 1925(2010) of 28 May 2010, 1991(2011) of 28 June 2011, 2053(2012) of 27 June 2012, 2076(2012) of 20 November 2012 and 2078(2012) of 28 November 2012, Recalling also its resolution 2086(2013) of 21 January 2013, and reaffirming the basic principles of peacekeeping, including consent of the parties, impartiality and non-use of force, except in self-defence and defence of the mandate, and recognizing that the mandate of each peacekeeping mission is specific to the need and situation of the country concerned, Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Democratic Republic of the Congo, and emphasizing the need to respect fully the principles of non-interference, goodneighbourliness and regional cooperation, Noting that eastern Democratic Republic of the Congo has continued to suffer from recurring cycles of conflict and persistent violence by armed groups, both Congolese and foreign, and emphasizing the need to address the root causes of conflict to put an end to these recurring cycles of violence, Welcoming the efforts of the Secretary-General of the United Nations, the International Conference on the Great Lakes Region, the Southern African Development Community and the African Union to restore peace and security in eastern Democratic Republic of the Congo, Welcoming also the signing in Addis Ababa on 24 February 2013 of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region (the psc Framework), under the auspices of its guarantors, namely the Secretary-General of the United Nations, the Chairperson of the African Union Commission, the Chairperson of the Southern African Development Community and the Chair of the International Conference on the Great Lakes Region, Welcoming further the designation by the Secretary-General of Ms. Mary Robinson, former President of Ireland, as his Special Envoy for the Great Lakes region, Reiterating its deep concern regarding the security and humanitarian crisis in North Kivu due to ongoing destabilizing activities of the 23 March Movement and other Congolese and foreign armed groups, and expressing concern at their negative impact on the deteriorating security and humanitarian situation in South Kivu and in Katanga,</p>

	<p>Expressing its deep concern regarding the threat posed by the presence of the 23 March Movement in the immediate vicinity of the city of Goma in violation of resolution 2076(2012), as well as the continuation of serious violations of international humanitarian law and abuses of human rights by the 23 March Movement and other armed groups,</p> <p>Taking note of the report of the Secretary-General of 14 March 2013, which includes a list of parties responsible for patterns of rape and other forms of sexual violence in situations of armed conflict,</p> <p>Taking note also of the report of the Secretary-General of 15 February 2013, and reiterating its strong condemnation of any and all external support to the 23 March Movement, including through troop reinforcement, tactical advice and the supply of equipment and materiel,</p> <p>Expressing deep concern regarding the increasing number of internally displaced persons in and refugees from eastern Democratic Republic of the Congo caused by the 23 March Movement, the Forces démocratiques de libération du Rwanda and other Congolese and foreign armed groups,</p> <p>Expressing its concern at the heightened instability across eastern Democratic Republic of the Congo resulting also in part from the increased activity of other armed groups, including the Alliance des patriotes pour un Congo libre et souverain and the Allied Democratic Forces in North Kivu, the Mai Mai Gédéon and the Mai Mai Kata Katanga in Katanga Province, the Lord's Resistance Army in Orientale Province, and further expressing concern at Rwandan reports of attacks by the Forces démocratiques de libération du Rwanda on Rwandan territory,</p> <p>Recalling the statements by its President on the Central African region and the Lord's Resistance Army, including those of 14 November 2011, and 29 June and 19 December 2012, commending the important ongoing efforts being undertaken by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo in the fight against the Lord's Resistance Army, encouraging further efforts of the African Union-Regional Task Force, and urging greater cooperation and information-sharing between relevant United Nations bodies, the African Union-Regional Task Force regional forces and non-governmental organizations in tackling the threat of the Lord's Resistance Army,</p> <p>Calling upon all parties to the conflict to respect the impartiality, independence and neutrality of humanitarian actors,</p> <p>[...]</p> <p>Acting under Chapter VII of the Charter of the United Nations,</p> <ol style="list-style-type: none"> 1. Welcomes the signing on 24 February 2013 of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region (the psc Framework), and stresses the importance of this agreement for the long term stability of eastern Democratic Republic of the Congo and the region; 2. Demands that the signatory States of the psc Framework fully implement their commitments in good faith; 3. Encourages, in this regard, the prompt establishment of (i) a regional 11 plus 4 oversight mechanism involving the leaders of the region with the good offices of the guarantors of the psc Framework, which will meet regularly and review progress in the implementation of the regional commitments under the psc Framework, and (ii) a national oversight mechanism in order to accompany and oversee the implementation of the commitments for reform of the Democratic Republic of the Congo; 4. Calls upon the newly designated Special Envoy of the Secretary-General for the Great Lakes Region, in coordination with and with the appropriate support from the Special Representative of the Secretary-General for the Democratic Republic of the Congo, to lead, coordinate and assess the implementation of national and regional commitments under the psc Framework, as
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		<p>set out in annex A to the present resolution, including through the swift establishment of benchmarks and appropriate follow-up measures, and, building on the psc Framework, encourages the Special Envoy to lead a comprehensive political process that includes all relevant stakeholders to address the underlying root causes of the conflict;</p> <p>5. Calls upon the Special Representative, in collaboration with the Special Envoy, to support, coordinate and assess the implementation of national commitments under the psc Framework in the Democratic Republic of the Congo, as set out in annex B to the present resolution;</p> <p>6. Expresses its intention to review progress of the implementation of the psc Framework in the region against the associated benchmarks and appropriate follow-up measures after the conclusion of the first visit to the region of the Special Envoy and regularly thereafter, as well as on the basis of the reports of the Secretary-General referred to in paragraph 34 below, and further expresses its intention, in the event that any or all of the parties have not complied with the commitments set forth in the psc Framework, to take appropriate measures as necessary;</p> <p>7. Strongly condemns the continued presence of the 23 March Movement in the immediate vicinity of Goma and its attempts to establish an illegitimate parallel administration in North Kivu, demands that the 23 March Movement cease immediately all forms of violence and destabilizing activities and that its members immediately and permanently disband and lay down their arms, and calls for the restoration of State authority of the Government of the Democratic Republic of the Congo in Goma and in North Kivu;</p> <p>8. Strongly condemns the 23 March Movement, the Forces démocratiques de libération du Rwanda, the Allied Democratic Forces, the Alliance des patriotes pour un Congo libre et souverain, the Lord’s Resistance Army, the Forces nationales de libération, the various Mai Mai groups and all other armed groups and their continuing violence and abuses of human rights, including summary executions, sexual and gender-based violence and the large-scale recruitment and use of children, demands that all armed groups cease immediately all forms of violence and destabilizing activities and that their members immediately and permanently disband and lay down their arms, and reiterates that those responsible for human rights abuses and violations of international humanitarian law will be held accountable and should not be eligible for integration into the Armed Forces of the Democratic Republic of the Congo or other elements of State security forces;”</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<i>### no explicit reference to this conflict; at any rate, the States supporting Res. 2098 are coded as 9.2, since the resolution strongly condemns the operations of APCLS ###</i>

M23

Code

Law invoked?	0
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	2 disapproves	<p>Resolution 2098 (2013) (UNYB 2013 P1 Ch2 p. 107):</p> <p>“On 28 March [meeting 6943], the Security Council unanimously adopted resolution 2098(2013). The draft [S/2013/195] was submitted by France, Togo and the United States:</p> <p>The Security Council, Recalling its previous resolutions and the statements by its President concerning the Democratic Republic of the Congo, especially its resolutions 1925(2010) of 28 May 2010, 1991(2011) of 28 June 2011, 2053(2012) of 27 June 2012, 2076(2012) of 20 November 2012 and 2078(2012) of 28 November 2012, Recalling also its resolution 2086(2013) of 21 January 2013, and reaffirming the basic principles of peacekeeping, including consent of the parties, impartiality and non-use of force, except in self-defence and defence of the mandate, and recognizing that the mandate of each peacekeeping mission is specific to the need and situation of the country concerned, Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Democratic Republic of the Congo, and emphasizing the need to respect fully the principles of non-interference, goodneighbourliness and regional cooperation, Noting that eastern Democratic Republic of the Congo has continued to suffer from recurring cycles of conflict and persistent violence by armed groups, both Congolese and foreign, and emphasizing the need to address the root causes of conflict to put an end to these recurring cycles of violence, Welcoming the efforts of the Secretary-General of the United Nations, the International Conference on the Great Lakes Region, the Southern African Development Community and the African Union to restore peace and security in eastern Democratic Republic of the Congo, Welcoming also the signing in Addis Ababa on 24 February 2013 of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region (the psc Framework), under the auspices of its guarantors, namely the Secretary-General of the United Nations, the Chairperson of the African Union Commission, the Chairperson of the Southern African Development Community and the Chair of the International Conference on the Great Lakes Region, Welcoming further the designation by the Secretary-General of Ms. Mary Robinson, former President of Ireland, as his Special Envoy for the Great Lakes region, Reiterating its deep concern regarding the security and humanitarian crisis in North Kivu due to ongoing destabilizing activities of the 23 March Movement and other Congolese and foreign armed groups, and expressing concern at their negative impact on the deteriorating security and humanitarian situation in South Kivu and in Katanga, Expressing its deep concern regarding the threat posed by the presence of the 23 March Movement in the immediate vicinity of the city of Goma in violation of resolution 2076(2012), as well as the continuation of serious violations of international humanitarian law and abuses of human rights by the 23 March Movement and other armed groups,</p>

	<p>Taking note of the report of the Secretary-General of 14 March 2013, which includes a list of parties responsible for patterns of rape and other forms of sexual violence in situations of armed conflict,</p> <p>Taking note also of the report of the Secretary-General of 15 February 2013, and reiterating its strong condemnation of any and all external support to the 23 March Movement, including through troop reinforcement, tactical advice and the supply of equipment and materiel,</p> <p>Expressing deep concern regarding the increasing number of internally displaced persons in and refugees from eastern Democratic Republic of the Congo caused by the 23 March Movement, the Forces démocratiques de libération du Rwanda and other Congolese and foreign armed groups,</p> <p>Expressing its concern at the heightened instability across eastern Democratic Republic of the Congo resulting also in part from the increased activity of other armed groups, including the Alliance des patriotes pour un Congo libre et souverain and the Allied Democratic Forces in North Kivu, the Mai Mai Gédéon and the Mai Mai Kata Katanga in Katanga Province, the Lord's Resistance Army in Orientale Province, and further expressing concern at Rwandan reports of attacks by the Forces démocratiques de libération du Rwanda on Rwandan territory,</p> <p>[...]</p> <p>Calling upon all parties to the conflict to respect the impartiality, independence and neutrality of humanitarian actors,</p> <p>[...]</p> <p>Acting under Chapter VII of the Charter of the United Nations,</p> <ol style="list-style-type: none"> 1. Welcomes the signing on 24 February 2013 of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region (the psc Framework), and stresses the importance of this agreement for the long term stability of eastern Democratic Republic of the Congo and the region; 2. Demands that the signatory States of the psc Framework fully implement their commitments in good faith; 3. Encourages, in this regard, the prompt establishment of (i) a regional 11 plus 4 oversight mechanism involving the leaders of the region with the good offices of the guarantors of the psc Framework, which will meet regularly and review progress in the implementation of the regional commitments under the psc Framework, and (ii) a national oversight mechanism in order to accompany and oversee the implementation of the commitments for reform of the Democratic Republic of the Congo; 4. Calls upon the newly designated Special Envoy of the Secretary-General for the Great Lakes Region, in coordination with and with the appropriate support from the Special Representative of the Secretary-General for the Democratic Republic of the Congo, to lead, coordinate and assess the implementation of national and regional commitments under the psc Framework, as set out in annex A to the present resolution, including through the swift establishment of benchmarks and appropriate follow-up measures, and, building on the psc Framework, encourages the Special Envoy to lead a comprehensive political process that includes all relevant stakeholders to address the underlying root causes of the conflict; 5. Calls upon the Special Representative, in collaboration with the Special Envoy, to support, coordinate and assess the implementation of national commitments under the psc Framework in the Democratic Republic of the Congo, as set out in annex B to the present resolution; 6. Expresses its intention to review progress of the implementation of the psc Framework in the region against the associated benchmarks and appropriate follow-up measures after the conclusion of the first visit to the region of the Special Envoy and
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		regularly thereafter, as well as on the basis of the reports of the Secretary-General referred to in paragraph 34 below, and further expresses its intention, in the event that any or all of the parties have not complied with the commitments set forth in the psc Framework, to take appropriate measures as necessary; 7. Strongly condemns the continued presence of the 23 March Movement in the immediate vicinity of Goma and its attempts to establish an illegitimate parallel administration in North Kivu, demands that the 23 March Movement cease immediately all forms of violence and destabilizing activities and that its members immediately and permanently disband and lay down their arms, and calls for the restoration of State authority of the Government of the Democratic Republic of the Congo in Goma and in North Kivu; 8. Strongly condemns the 23 March Movement , the Forces démocratiques de libération du Rwanda, the Allied Democratic Forces, the Alliance des patriotes pour un Congo libre et souverain, the Lord’s Resistance Army, the Forces nationales de libération, the various Mai Mai groups and all other armed groups and their continuing violence and abuses of human rights, including summary executions, sexual and gender-based violence and the large-scale recruitment and use of children, demands that all armed groups cease immediately all forms of violence and destabilizing activities and that their members immediately and permanently disband and lay down their arms, and reiterates that those responsible for human rights abuses and violations of international humanitarian law will be held accountable and should not be eligible for integration into the Armed Forces of the Democratic Republic of the Congo or other elements of State security forces;”
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	### no explicit reference to this conflict; at any rate, the States supporting Res. 2098 are coded as 9.2, since the resolution strongly condemns the operations of M23 ###

571 Rwanda

	Code
Law invoked?	2 No

	es ur 2	Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	### Rwanda had long been involved in this conflict through their support of the M23 group. M23 attacks on Rwandan territory where often attributed to the DR Congo and used as a pretext for aggression towards the DRC by Rwanda. However, the research does not suggest that Rwanda was directly involved with own use of force in the phase of the conflict here under review. ###
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	

9. State Reaction	4 no reaction	
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69. Nigeria et al. vs. Boko Haram [Jama'atu Ahlis Sunna Lidda'awati wal-Jihad] 2013-2017*Key data*

Duration: 2013 – 2017; Parties: Nigeria, Chad, Cameroon, Niger vs. Jama'atu Ahlis Sunna Lidda'awati wal-Jihad [Boko Haram]; Initiator: Boko Haram.

475 Nigeria

		Code					
Law invoked?	2 No						
1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	3 maintenance of regional stability	<p>“Terrorist groups, such as Al-Qaida in the Islamic Maghreb and Boko Haram, are active in the region. These groups pose a grave threat to the peace and security of the region and beyond. Fighting them should remain a top priority for all Sahelian countries, and indeed for the international community. (...). A sustainable solution for countering terrorism in the region is of prime importance. We therefore call on the international community to continue to support initiatives that will put an end to terrorism in the Sahel.”</p> <p>Representative of Nigeria in Security Council, 7335th meeting, S/PV.7351, 19 December 2014: „Still on international cooperation, we are working very closely with our neighbours Chad, Cameroon, the Niger and Benin to establish a multinational joint task force to combat the terrorist group Boko Haram, which has become a threat not only to Nigeria, but indeed to neighbouring countries as well. We are also cooperating with our bilateral and multilateral partners, including all the permanent members of the Security Council, and other friendly nations, to deal decisively with the problem of Boko Haram. We are deeply grateful for the assistance we have received, and we are certain that, with sustained international support and our unwavering determination, we shall before long defeat and uproot Boko Haram.“ (Representative of Nigeria in Security Council, S/PV.7335, 11 December 2014)</p> <p>“In this regard, the States members of the Lake Chad Basin Commission and Benin — whose populations have for several years suffered serious and frequent attacks against peace and security, including acts of terrorism — believe that, while we appreciate the multifaceted support provided to our efforts by bilateral and multilateral partners alike, it would be very desirable to carry out an in-depth analysis of the situation. (...) In the region covered by the Lake Chad Basin Commission and Benin, the terrorist activities of Boko Haram, probably in connection with other similar groups, are not only undermining peace and security throughout the entire region and beyond by expanding their activities, but are also making serious inroads into the very stability of the countries of the region. Indeed, in addition to the horrific abductions of 300 young students from Chibok, Boko Haram has also caused thousands of people, especially women and children, to flee their homes and seek refuge in neighbouring countries. The humanitarian situation created as a result cries out to our collective conscience and, given the urgency of the situation, cannot be</p>

		<p>allowed to continue. To that end, the States members of the Lake Chad Basin and Benin appeal to the entire international community, particularly the Security Council, for a response commensurate the threat to the subregion from the conjunction of the phenomena of terrorism and transnational organized crime, so that this threat may be forever halted and eradicated from the region.” (Representative of Niger on behalf of the Lake Chad Basin Commission and Benin, Security Council, S/PV.7351, 19 December 2014)</p>
<p>5.2</p>	<p>4 defence against terrorism</p>	<p>“In this regard, the States members of the Lake Chad Basin Commission and Benin — whose populations have for several years suffered serious and frequent attacks against peace and security, including acts of terrorism — believe that, while we appreciate the multifaceted support provided to our efforts by bilateral and multilateral partners alike, it would be very desirable to carry out an in-depth analysis of the situation. (...) In the region covered by the Lake Chad Basin Commission and Benin, the terrorist activities of Boko Haram, probably in connection with other similar groups, are not only undermining peace and security throughout the entire region and beyond by expanding their activities, but are also making serious inroads into the very stability of the countries of the region. Indeed, in addition to the horrific abductions of 300 young students from Chibok, Boko Haram has also caused thousands of people, especially women and children, to flee their homes and seek refuge in neighbouring countries. The humanitarian situation created as a result cries out to our collective conscience and, given the urgency of the situation, cannot be allowed to continue. To that end, the States members of the Lake Chad Basin and Benin appeal to the entire international community, particularly the Security Council, for a response commensurate the threat to the subregion from the conjunction of the phenomena of terrorism and transnational organized crime, so that this threat may be forever halted and eradicated from the region.” (Representative of Niger on behalf of the Lake Chad Basin Commission and Benin, Security Council, S/PV.7351, 19 December 2014)</p> <p>“The insurgency has been met with resolve and resilience of the Nigerian people and Government. The Multinational Joint Task Force has had great success in weakening Boko Haram (...) We hope that at this critical juncture, when there is an improvement in the security situation as a result of the recent military gains, the Security Council and the international community will continue to engage the Governments in the region in the search for lasting peace, security, protection of civilians and resolution of the humanitarian situation caused by the activities of Boko Haram. May I seize this opportunity to reiterate the commitment of Nigeria to the protection of civilians in armed conflict, in recognition of the primary responsibility of States to protect civilians within their national jurisdiction. This conviction underlines our Government’s resolve to take all measures necessary to protect civilians in the battle against the terrorist group Boko Haram and its ilk. All such measures are being taken within a framework designed to simultaneously address the short- and medium-term development needs of the region. In conclusion, I wish to reiterate that the future of the people of the Lake Chad basin region rests on durable security and the sustainability of resources around the lake. We are confident that by enhancing collaboration and consolidating strong partnerships through the Lake Chad Basin Commission and the African Union, we will swiftly overcome the challenge.” (Representative of Nigeria in Security Council S/PV.8047, 13 September 2017)</p> <p>“On security, Nigerians must be grateful to our gallant Armed Forces for rolling back the frontiers of Boko Haram’s terrorism, defeating them and reducing them to cowardly attacks on soft and vulnerable targets. Nigeria is grateful to its neighbours and the international community for the collective efforts to defeat this world-wide menace of terrorism. (...) Government will</p>

		continue to support the Armed Forces and other security agencies to fight not only terrorism, but kidnapping, armed robberies, herdsmen/farmers violence and to ensure peace, stability and security in our country.” (Speech of President Buhari, 1 October 2017, https://www.vanguardngr.com/2017/10/nigerian-independence-day-full-text-president-muhammadu-buharis-speech/ (accessed on 16 September 2022))
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	Code	Material
6. UNSC Reaction	1 approves	<p>Security Council Resolution S/RES/2349, 31 March 2017: <i>“The Security Council (...) Recognizing</i> the determination and ownership of the Governments in the Region, as well as sub-regional and regional organizations, to address the impact of Boko Haram and ISIL (...) <i>Welcoming</i> the commitment expressed by the Governments in the Region to combat Boko Haram, in order to create a safe and secure environment for civilians, enable the return of internally displaced persons (IDPs) and refugees, facilitate stabilisation, and enable access for humanitarian organisations, in accordance with the African Union Peace and Security Council’s (AUPSC)’s mandate, <i>commending</i> the important territorial advances by the Governments in the Region against Boko Haram, including through the Multinational Joint Task Force (MNJTF) which has contributed to the liberation of hostages, the arrest of Boko Haram members, and an increase in the number of defectors, (...) 2. <i>Recalls</i> the Communiqués of the AUPSC on Boko Haram, including from the 484th meeting, <i>recognises</i> the continued support of the AU to the MNJTF, and <i>calls</i> for the Member States of the Lake Chad Basin Commission (LCBC) and Benin to continue their efforts in the fight against Boko Haram and implementation of the Communiqués; <i>further acknowledging</i> the need for an effective and strategic relationship between the AUPSC and the Security Council, to enable both institutions to support stability and development in the Lake Chad Basin; 3. <i>Encourages</i> Governments in the Region to sustain momentum, further enhance regional military cooperation and coordination, comply with obligations under international humanitarian and human rights law, secure the conditions to enable safe, timely and unhindered humanitarian access, facilitate the restoration of civilian security and the rule of law in areas restored to Government control, and guarantee free movement of goods and persons 4. <i>Welcomes</i> the multilateral and bilateral support provided to the military efforts in the Region and <i>encourages</i> greater support to strengthen the operational capability of the MNJTF to further the Region’s efforts to combat Boko Haram and ISIL, (...)”</p> <p>Presidential Statement S/PRST/2015/12, 11 June 2015: <i>“The Security Council welcomes the recent gains made by States in the region against Boko Haram, and commend the bravery of the troops involved. [...] It urges the States in the region to further enhance regional military cooperation and coordination to more effectively and immediately combat Boko Haram, in accordance with international law. In this regard, it welcomes efforts by the region to set up a multinational joint taskforce, and strongly encourages the ongoing coordination efforts of ECCAS, and ECOWAS to counter Boko Haram. The Council stresses the need to adopt a comprehensive approach in order to successfully tackle the threat presented by Boko Haram to the region. The Security Council encourages partners to increase security assistance to Lake Chad Basin Commission countries and Benin, humanitarian support across the region for those affected by Boko Haram activities.”</i></p> <p>Presidential Statement S/PRST/2015/14, 28 July 2015:</p>

		<p>“The Security Council commends the LCBC Member States and Benin for their continued efforts to fully operationalize the MNJTF in order to collectively enhance regional military cooperation and coordination to more effectively combat the threat posed by the Boko Haram terrorist group to the Lake Chad Basin region. (...) The Security Council calls upon the international community and donors to support the MNJTF, particularly its operational capability and welcomes in this regard, the AUC plans to organize a donors’ conference in support of the efforts of the LCBC Member States and Benin.”</p> <p>Presidential Statement S/PRST/2016/7, 13 May 2016: “The Security Council commends the important territorial advances by the governments of Cameroon, Chad, Niger and Nigeria against Boko Haram, including through the Multinational Joint Task Force (MNJTF) headquartered in N’Djamena, Chad. The Security Council urges the Member States participating in the MNJTF to further enhance regional military cooperation and coordination, particularly to consolidate military gains, deny safe haven to Boko Haram, allow humanitarian access and facilitate the restoration of the rule of law in liberated areas.”</p> <p>Presidential Statement S/PRST/2017/10, 24 July 2017: “The Security Council welcomes the subregional, regional and international efforts to mitigate the security, humanitarian and development consequences of Boko Haram’s operations. The Security Council takes note of the progress made in the operationalization of the Multinational Joint Task Force (MNJTF) and urges the Member States participating in the MNJTF to further enhance regional military cooperation and coordination, deny haven to Boko Haram and Islamic State in Iraq and the Levant, secure the conditions to enable humanitarian access and facilitate the restoration of civilian security and the rule of law in liberated areas. [...] The Security Council encourages Member States and multilateral partners to lend their support to the MNJTF to ensure its full operationalization, including the provision of modalities to increase the timely and effective exchange of intelligence to further the region’s collective efforts to combat Boko Haram, whenever possible and appropriate.”</p>
7. UNGA Reaction	1 approves	<p>UNGA Resolution A/RES/70/64, 7 December 2015: <i>“The General Assembly, (...) Commending the efforts by the Lake Chad Basin Member States and Benin to fully operationalize the Multinational Joint Task Force to effectively combat the threat posed by the Boko Haram terrorist group to the Lake Chad Basin region, and taking note of the establishment of the operational headquarters of the Joint Task Force in N’Djamena (...).”</i></p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<p>African Union: ### Members in 2014/15: Algeria, Burundi, Chad, Equatorial Guinea, Ethiopia, Gambia, Guinea, Conakry, Libya, Mozambique, Namibia, Niger, Nigeria, South Africa, Tanzania, Uganda ### <i>“The Council Expresses its unwavering solidarity with the people and Government of Nigeria, as well as its full support to the efforts being made by the Nigerian authorities to address the situation. (...) Welcomes the efforts being made at regional level to address the threat posed by Boko Haram and other affiliated groups, particularly among the member countries of the Lake Chad Basin Commission.”</i> (Peace and Security Council of the African Union (AUPSC), Communiqué of the 436th meeting, PSC/PR/COMM/2. (CDXXXVI), 23 May 2014)</p>

		<p>“The Council <i>Renews</i> AU’s solidarity with Nigeria and the other countries directly affected by the activities of the Boko Haram terrorist group <i>Expresses</i> its full support for the establishment and deployment of the MNJTF, which represents an appropriate framework for effectively neutralizing the Boko Haram terrorist group.” (AUPSC, Communiqué of the 469th meeting, PSC/PR/COMM.(CDLXIX), 25 November 2014)</p> <p>“The Council <i>Reaffirms</i> that the activities of the Boko Haram terrorist group constitute a serious threat, not only to Nigeria and the region, but also to the entire continent. Accordingly, Council underlines the duty and obligation of Africa, as a whole, to extend all the necessary support to the LCBC Member States and Benin, in keeping with the principles of African solidarity and indivisibility of peace and security on the continent (...) <i>Commends, once again</i>, the Member States of the LCBC and Benin for their sustained efforts to enhance effectiveness in the fight against the Boko Haram terrorist group (...). Council notes with satisfaction the practical steps agreed upon by the Niamey meeting of 20 January 2015, notably the establishment of the Headquarters of the Multinational Joint Task Force (MNJTF) and that of a secure communications network for the security forces operating in and around the Lake Chad Basin; <i>Decides</i>, in support to the efforts of the LCBC Member States and Benin, and as requested by their Niamey ministerial meeting (...) to authorize the deployment of the MNJTF, for an initial period of twelve months renewable and for a strength that could go up to 7,500 military and other personnel, with the following mandate (...).” (AUPSC, Communiqué of the 484th meeting, PSC/AHG/COMM.2(CDLXXXIV), 29 January 2015)</p> <p>Congo, Kenya, Egypt, Zambia, Nigeria, Burundi, Chad, Rwanda, Uganda, Algeria, Chad, South Africa, Niger, Sierra Leone, Togo: ### Members in 2015/16: Republic of Congo, Kenya, Egypt, Zambia, Nigeria, Burundi, Chad, Rwanda, Uganda, Algeria, Chad, South Africa, Niger, Sierra Leone, Togo ###</p> <p>“The Council <i>Welcomes</i>, once again, the tremendous progress made by the Member States of the Lake Chad Basin and Benin in the fight against the Boko Haram terrorist group, which has resulted in degrading the capacity of the group and commends their resolve and sustained efforts to fully operationalize the MNJTF, with a view to eliminate the terrorist group; <i>Renews</i> AU’s solidarity with the Governments and people of Nigeria and those of the other countries directly affected by the activities of the Boko Haram terrorist group and calls for stronger international cooperation and support to the efforts to prevent and combat terrorism, in line with the relevant Africa and international instruments” (AUPSC, Communiqué of the 567th meeting, PSC/PR/COMM.(DLXVII), 14 January 2016)</p> <p>“The Council <i>Welcomes</i> the tremendous progress made by the Member States of Lake Chad Basin and Benin in weakening and degrading the capacity of Boko Haram. In this regard, Council commends the efforts made by the MNJTF in dislodging Boko Haram from its all its strongholds in the Lake Chad Basin (...) <i>Decides</i> to renew the mandate of the MNJTF for another period of twelve (12) months, from its expiry on 31 January 2017”. (AUPSC, Communiqué of the 639th meeting, PSC/PR/2.(DCXXXIX), 29 November 2016)</p>
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		<p>The European Union, France, the United States and the United Kingdom: “The partners present are committed to supporting this regional cooperation and strengthening the international means to combat Boko Haram and protect victims.” (Conclusions of Paris Summit for Security in Nigeria, 17 May 2014)</p> <p>Benin, Cameroon, Equatorial Guinea, Chad, the Niger and Nigeria, Representatives of Canada, China, France, the United States of America, Germany, the United Kingdom, Spain, the United Nations, the European Union, the Economic Community of West African States (ECOWAS), the Organization of Islamic Cooperation (OIC), the African Union, the Lake Chad Basin Commission and the Community of Sahel Saharan States (CEN SAD): <i>### Participants: The Ministers of Foreign Affairs and of Defence of Benin, Cameroon, Equatorial Guinea, Chad, the Niger and Nigeria, Representatives of Canada, China, France, the United States of America, Germany, the United Kingdom, Spain, the United Nations, the European Union, the Economic Community of West African States (ECOWAS), the Organization of Islamic Cooperation (OIC), the African Union, the Lake Chad Basin Commission and the Community of Sahel Saharan States (CEN SAD) ###</i> “Participants made the following recommendations: Enhancement of cooperation between the States bordering the Lake Chad Basin. (...) Definition of the modalities of a stronger commitment of strategic partners in the fight against Boko Haram. (...)” (Niamey Declaration, S/2015/7, 20 January 2015)</p> <p>“(...) The recent attacks by Boko Haram in Gombe and Bauchi demonstrate the continued threat posed by extremists to Nigeria's democracy. I offer my condolences to the families of all those who died. The EU remains willing to support regional efforts to contain and defeat Boko Haram.” (Statement by High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the Commission Federica Mogherini on the Nigerian elections, 30 March 2015, UNIQUE ID: 150330_01)</p> <p>Angola, Cameroon, Central African Republic, Republic of Congo, Democratic Republic of Congo, Gabon, Equatorial Guinea, Sao Tomé and Príncipe, Chad (all members of COPAX): “We, Concerned by the repeated and growing attacks of the terrorist group Boko Haram against the Republic of Cameroon, and the Republic of Chad; (...) Support all initiatives taken by the Lake Chad Basin Commission, the African Union and the International Community in seeking solutions to this problem, in particular, the establishment of the Multinational Joint Force (MJF); (...) Undertake to fully cooperate and at all levels with the Economic Community of West African States (ECOWAS) in view of coordinating actions against the terrorist group Boko Haram; (...) Encourage in particular the Federal Republic of Nigeria to increase the synergies with the other countries of the Lake Chad Basin in the fight against the terrorist group Boko Haram.” (COPAX, Yaounde Declaration, 16 February 2015)</p> <p>Republic of Korea: „In this vein, we take note of the recent joint efforts undertaken by Nigeria and its neighbouring countries, Benin, Cameroon, Chad and the Niger through the framework of the Lake Chad Basin Commission. We also recognize the meeting on the issue of Boko Haram held in Abuja last September. We support more effective security cooperation, including information-sharing and</p>
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	<p>joint patrols among the countries in the region.” (Representative of the Republic of Korea in Security Council, S/PV.7335, 11 December 2014)</p> <p>Germany: „Nigeria stehe ‚vor großen Herausforderungen, auch im Kampf gegen Boko Haram‘. Umso bemerkenswerter sei es, dass das Land gegen Boko Haram militärische Erfolge erzielt habe. Deutschland unterstützt Nigeria im Rahmen der Ertüchtigungsinitiative der Bundesregierung, insbesondere im Kampf gegen die Terrorgruppe Boko Haram.“ (Statement of Angela Merkel, Chancellor of Germany, 14 October 2016, https://www.bundesregierung.de/breg-de/aktuelles/merkel-nigeria-eine-perspektive-schaffen-425360 (accessed on 16 September 2022))</p>
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483 Chad

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	3 maintenance of regional stability	<p>Representative of Niger on behalf of the Lake Chad Basin Commission and Benin, Security Council, 7335th meeting, S/PV.7351, 19 December 2014: <i>See Nigeria 5.1</i></p> <p>“The terrorist group Boko Haram, recently renamed the Islamic State’s West Africa Province, has increased its horrific attacks and atrocities against peaceful civilians in all the riparian States of Lake Chad, sowing destruction and death. The impact of these attacks and atrocities is incalculable. (...) Aware of the serious security situation in the Sahel in general and in the subregion in particular, the States members of the Lake Chad Basin Commission (LCBC) have spared no effort in effectively confronting the threat (...). These efforts have allowed us to launch a robust military operation and to establish the Multinational Joint Task Force. Chad commends the great sacrifices made by the armed forces of the countries of the Lake Chad Basin and reiterates its commitment to fighting Boko Haram alongside them. We pay a warm tribute to all the courageous soldiers of the armies engaged in this fight who have paid the ultimate price. [...]” (Representative of Chad in Security Council, S/PV.7492, 28 July 2015)</p>
5.2	4 defence against terrorism	<p>Representative of Niger on behalf of the Lake Chad Basin Commission and Benin, Security Council, 7335th meeting, S/PV.7351, 19 December 2014: <i>See Nigeria 5.2</i></p> <p>“In conclusion, we emphasize that Boko Haram has been weakened militarily but is not yet fully defeated. It remains a serious cross-border threat and is capable of reorganizing itself with the support of the vast terrorist network entrenched in the Sahel. The increase in asymmetric attacks and cowardly assaults in all the countries of the Lake Chad Basin is a sorry manifestation of that capacity. The best way to eradicate this scourge is through the Multinational Joint Task Force established by the LCBC members and Benin, to be headquartered in N’Djamena. The reach, duration and effectiveness of the Force’s activities will largely depend</p>

		<p>on the means made available to it. The countries involved will be unable to assume that burden alone, and the international community will need to assume its share of the responsibility. Like the Islamic State in Iraq and the Sham, Boko Haram poses a real and major threat to international peace and security to which no one can remain indifferent.” (Representative of Chad in Security Council, S/PV.7492, 28 July 2015)</p> <p>“Since Boko Haram acts with its means, we will act with our means. And we will be able, I think, to protect at least our populations”. (President of Chad, Idriss Déby at a meeting with President of Niger, Mahammadou Issoufou, N’Djamena, 7 June 2016, https://www.rfi.fr/fr/afrique/20160607-boko-haram-mahammadou-issoufou-sollicite-aide-tchad-idriss-deby (accessed on 16 September 2022))</p>
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	Code	Material
6. UNSC Reaction	1 approves	<i>see Nigeria 6</i>
7. UNGA Reaction	1 approves	<i>see Nigeria 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<p><i>see Nigeria 9</i></p> <p>Angola, Cameroon, Central African Republic, Republic of Congo, Democratic Republic of Congo, Gabon, Equatorial Guinea, Sao Tomé and Príncipe, Chad:</p> <p>“We, support all initiatives taken by the Lake Chad Basin Commission, the African Union and the International Community in seeking solutions to this problem, in particular, the establishment of the Multinational Joint Force (MJF); (...) Taking into consideration the negative security, economic, social and humanitarian consequences the actions of this terrorist group have on the Republic of Cameroon and the Republic of Chad; (...) Congratulate the Republic of Cameroon and the Republic of Chad on their exemplary cooperation to wipe out the terrorist group Boko Haram”. (COPAX, Yaounde Declaration, 16 February 2015)</p>

471 Cameroon

	Code
Law invoked?	2 No

	2 1 5 2	Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	3 maintenance of regional stability	Representative of Niger on behalf of the Lake Chad Basin Commission and Benin, Security Council, 7335th meeting, S/PV.7351, 19 December 2014: <i>See Nigeria 5.1</i>
5.2	4 defence against terrorism	Representative of Niger on behalf of the Lake Chad Basin Commission and Benin, Security Council, 7335th meeting, S/PV.7351, 19 December 2014: <i>See Nigeria 5.2</i> “Our objective is to safeguard against any terrorist-related risk as far as possible. Every State not only has the right, but also the duty to protect its citizens. I am convinced that the vast majority of our compatriots do understand. I would also like to recall

		<p>here that Cameroon is not the only country facing this threat which knows no boundaries. Some of our neighbouring countries, namely Benin, Chad, Niger and Nigeria, are collaborating with us to form a united front against Boko Haram.” (New Year Message to the Nation, Paul Biya, Head of State of Cameroon, 31 December 2014)</p> <p>“This danger bears the name Boko Haram. Its atrocities and crimes are jeopardizing social peace around Lake Chad and, especially, in our two countries. The number of deaths and victims is rising (...) Rest assured of Cameroon’s total, constant and unfailing commitment in this just and noble struggle. Our intransigence is matched only by the determination to ensure that our peoples continue to live in the peace and tranquility they have always known until recently. (...) Terrorism is a global threat and only a global response can stamp it out.” (Speech by President Paul Biya, during the State Dinner offered in honour of Muhammadu Buhari, President of Nigeria, Yaounde, 29 July 2015, https://de.slideshare.net/paulbiya/paul-biya-president-of-cameroon-speeches-2015 (accessed on 17 September 2022))</p>
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	Code	Material
6. UNSC Reaction	1 approves	<i>see Nigeria 6</i>
7. UNGA Reaction	1 approves	<i>see Nigeria 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<p><i>see Nigeria 9</i></p> <p>Angola, Cameroon, Central African Republic, Republic of Congo, Democratic Republic of Congo, Gabon, Equatorial Guinea, Sao Tomé and Príncipe, Chad:</p> <p>“We, support all initiatives taken by the Lake Chad Basin Commission, the African Union and the International Community in seeking solutions to this problem, in particular, the establishment of the Multinational Joint Force (MNJF); (...) Taking into consideration the negative security, economic, social and humanitarian consequences the actions of this terrorist group have on the Republic of Cameroon and the Republic of Chad; (...) Congratulate the Republic of Cameroon and the Republic of Chad on their exemplary cooperation to wipe out the terrorist group Boko Haram” (COPAX, Yaounde Declaration, 16 February 2015)</p>

436 Niger

	Code
Law invoked?	2 No

	Ⓢ ⓔ Ⓠ Ⓜ	Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	3 maintenance of regional stability	Representative of Niger on behalf of the Lake Chad Basin Commission and Benin, Security Council, 7335th meeting, S/PV.7351, 19 December 2014: <i>See Nigeria 5.1</i>
5.2	4 defence against terrorism	“This implies that our countries must train special forces capable of adapting to the enemy's methods. (...) To drive out Boko Haram from Nigeria, the international community needs to set a common goal and a common strategy, in consultation with the countries concerned. The common political goal is the defense of democratic institutions and the protection of populations. (...) Boko Haram has shown an aggressiveness and barbarity never seen before. With its recent incursions into Cameroon and the occupation of ever larger territories, (...) there is clear evidence that this terrorist group has a broader agenda than previously thought. This means that more efforts and cooperation are needed both at the regional and international levels to effectively deal with them.” (President Mahamadou Issoufou at the 69 th Session of the UN General Assembly, 24 September 2014)

		Representative of Niger on behalf of the Lake Chad Basin Commission and Benin, Security Council, 7335th meeting, S/PV.7351, 19 December 2014: <i>See Nigeria 5.2</i>
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	Code	Material
6. UNSC Reaction	1 approves	<i>see Nigeria 6</i>
7. UNGA Reaction	1 approves	<i>see Nigeria 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see Nigeria 9</i>

Jama'atu Ahlis Sunna Lidda'awati wal-Jihad [Boko Haram]

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	6 defence against ideology	<p>“Jonathan, you are now too small for us; we can only deal with your grand masters like Obama the president of America... even they cannot do anything to us... we are more than them. Yes, we did it; we carried out the attack because you kill Muslims in Plateau; you kill Muslims in every country of the world. Why don't you global tyrants talk when Muslims are killed in Afghanistan? Why don't you talk when Muslims were killed in Iraq? And they are still being killed. Why don't you talk when Muslims are killed in the Islamic state of Iraq and Syria, and now Yemen, Mali, Azerbaijan, Shishan, Pakistan? (...) We will not stop until our aim is achieved; so everyone that calls himself a muslim should stop obeying the constitution, should leave democracy, should stay away from western education. (...) Yes, I am the Shekau that does not like Christians, and I don't like Muslims that relate with Christians. We have been commanded by Allah not to associate with infidels because they cannot be trusted until they accept your religion. So you cannot say you are a believer and then you go and follow democracy; we cannot allow you to ridicule the religion of God; never! (...) We don't love this sinful world of yours; we want to die and go to the presence of Him who created everyone so that we can enjoy ourselves. (...) To hell with the United Nations, to hell with Ban ki Moon; to hell with Obama. Yes we did the bombing in Nyanya; we did it”. (Video Statement of Abubakar Shekau, Leader of Boko Haram, 20 April 2014, https://www.premiumtimesng.com/news/159069-abuja-bomb-blast-tiny-incident-boko-haram-leader-shekau-boasts-video.html (accessed on 17 September 2022))</p> <p>“The disease is unbelief, and as Allah says, ‘Disorder is worse than killing’ (Qur’an 2:191). Everyone knows democracy is unbelief, and everyone knows the Constitution is unbelief, and everyone knows that there are things Allah has forbidden in the Qur’an, and that are forbidden in countless hadiths of the Prophet, that are going on in Western schools.” (Video Statement of Abubakar Shekau, 11 January 2012, quoted from Thurston, The disease is unbelief: Boko Haram’s religious and political world view, 2016 p. 16)</p>

		<p>“Know, people of Nigeria and other places, a person is not a Muslim unless he disavows democracy and other forms of polytheistic unbelief.” (Video Statement of Abubakar Shekau, 24 August 2014, quoted from Thurston, The disease is unbelief: Boko Haram’s religious and political world view, 2016 p. 16)</p> <p>“Yusuf objected to the content and effects of Western style education. Ideas like Darwinism, he said, contradicted the Quran. Schools led Muslim children to adopt the mannerisms of Jews and Christians. Children of different genders interacted at school, promoting ‘fornication, lesbianism, homosexuality, and other [corruptions].’ The ‘Christianizing’ schools of British colonialism, he stated, were no different than postcolonial government schools, but the prospect of material gain blinded Muslims to the truth. (...) ‘Our movement rejects work under any government that rules by something other than what God has revealed.’ Yusuf’s beliefs on intra-Muslim solidarity, the rejection of democracy, and the rejection of Western-style education formed a single package. For Boko Haram, politics entails total commitment to the idea of Islam as a societal blueprint. Yusuf wrote, ‘The shari’a of Islam is a perfect and complete shari’a (...) It is appropriate in every time and place, globally.’ He lamented, We see a state in which Muslims are living, but they refuse the Islamic shari’a in its totality, and put in its place the system of democracy. And we see people with the name ‘ulama’ [scholars] calling for democracy and defending it, and making ugly refutations against the people who call others to follow the law of Allah. Yusuf argued that democracy positions the people as an authority in rivalry with God. He warned that majority rule allows for agreement on an error, whereas Islam demands obedience to the Quran and the Sunna. From democracy, he continued, multiple evils flowed, all of them cloaked as freedom: for example, ‘freedom of belief’ allowed for apostasy from Islam. It was insufficient to condemn democracy: the true Muslim had to oppose it. Democracy ‘is the school of the infidels: following it, having dealings with it, or using its system is unbelief.’” (Ustaz Mohammed Yusuf, “Hadhihi Aqidatuna”, quoted from Thurston, The disease is unbelief: Boko Haram’s religious and political world view, 2016 pp. 15,16)</p>
<p>5.2</p>	<p>7 enforcing a specific political system</p>	<p>“Thanks be to Allah who gave victory to our brothers in Gwoza and made it part of the Islamic caliphate. (...) Our state is ruled by the Book of God; our state establishes the Sunna of our Prophet, Muhammad”. (Leader of Boko Haram, Abubakar Shekau, 24 August 2014, Declaration of a New Caliphate https://www.dw.com/en/boko-haram-declares-caliphate-in-nigerian-town-under-rebel-control/a-17874578 (accessed on 17 September 2022))</p> <p>“It is God that we follow, and it is Qur’an we hope to establish. This land belongs to God. God said the right of legislation belongs to Him alone; but you contradict God, and you said the right of legislation belongs to the people. We are practicing the government of God by God and for God. And you people are practicing government of the people by the people and for the people. We do not worship people. We worship God alone.” (Leader of Boko Haram, Abubakar Shekau, Message to the Emir of Kano, 15 December 2014, quoted from Kassim, Defining and Understanding the Religious Philosophy of jihādi, Salafism and the Ideology of Boko Haram, 2015, p. 193)</p> <p>“Our call is not limited to prohibiting foreign schools and democracy. We are Jama’at Ahl al-Sunnah Lil Dawa wal Jihad. Therefore, this name is an attempt to bury the truth. We carry out the support for the Sunnah and establish governance of Allah in the land.” (Abu Musab Abul-Barnawi, Spokesman of Boko Haram, Interview on 25 January 2015, https://www.premiumtimesng.com/news/more-news/175806-real-reason-took-baga-boko-haram.html (accessed on 17 September 2022))</p>

		<p>“Why do you think that you are a Muslim, after you have decided to impose ruling and judging by secular laws in your country and you relinquished ruling by the laws of the Qur’an? You accepted the laws of Obama, Ban Ki Moon and you are still deceiving yourself that you are a Muslim. How can you call yourself a Muslim when you have become an infidel even though you pray, fast, give zakat, or travel for pilgrimage? You are still an infidel. Why? This is so because you have abandoned tawḥīd. We don’t fear anybody apart from God. We say that you are infidels, and we will fight and kill you. We will not stop fighting you unless we witness the establishment of the laws of God in the lives of the Muslims. This is our intention.” (Leader of Boko Haram, Abubakar Shekau, 9 February 2015, Message to the African Leaders, specifically, Idriss Déby, quoted from Kassim, Defining and Understanding the Religious Philosophy of jihādī, Salafism and the Ideology of Boko Haram, 2015, p. 192)</p> <p>“To the worshippers and slaves of secular laws and constitutions (...) To the companions of the religion of democracy (...) To those who took as Lords the secular constitutions (...) We make disavowal from you and your path (...) We disbelieve in you and your polytheist constitutions and nationalistic parliaments (...) And between us and you is enmity, hatred forever until you believe in the oneness of God”. (Leader of Boko Haram, Abubakar Shekau, 9 February 2015, Message to the African Leaders, specifically, Idriss Déby, quoted from Kassim, Defining and Understanding the Religious Philosophy of jihādī, Salafism and the Ideology of Boko Haram, 2015, p. 192)</p> <p>“War was declared upon the caliphate of Uthman Dan Fodio by the enemies of Islam from the Jews, Christians, Polytheists and their helpers amongst the hypocrites until they completely subdue the Islamic caliphate under the colonial project and they desecrated the sacred symbols of Islam and substituted the Shari’ah of Islam with oppressive constitutions and the laws of Jahiliyyah ... This situation persisted until God assisted the Mujahideen brothers of the Islamic state to establish an Islamic caliphate in the Land of Sham. It is upon this path that we pray that God will aid the Mujahidden in Bilad Al-Sudan to establish the implementation of the Shari’ah”. (Video of Boko Haram, “Implementing Islamic laws in the Islamic State of Africa”, quoted from Kassim, Defining and Understanding the Religious Philosophy of jihādī, Salafism and the Ideology of Boko Haram, 2015, p. 193)</p>
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	Code	Material
<p>6. UNSC Reaction</p>	<p>2 disapproves</p>	<p>Security Council Resolution S/RES/2349, 21 March 2017: “The Security Council strongly condemns all terrorist attacks, violations of international humanitarian law and abuses of human rights by Boko Haram and ISIL in the Region, including those involving killings and other violence against civilians (...) “</p> <p>Presidential Statement S/PRST/2015/4, 19 January 2015: “The Security Council condemns in the strongest terms the most recent escalation in attacks perpetrated by Boko Haram, in particular, the 10 and 11 January 2015 suicide bombings in Maiduguri, Borno State and Potiskum, Yobe State, reportedly involving children coerced by Boko Haram to act as suicide bombers, the 3-7 January 2015 attacks in Baga, Borno State, which resulted in the massive destruction of civilian homes and significant civilian casualties, as well as the increasing attacks in the Lake Chad Basin region along Nigeria’s borders with Chad and Cameroon and in the northern provinces of Cameroon. [...] The Security</p>

		<p>Council strongly condemns and deplores all abuses of human rights and, where applicable, violations of international humanitarian law by the terrorist group Boko Haram, since 2009, including those involving violence against civilian populations, notably women and children, kidnappings, killings, hostage-taking, pillaging, rape, sexual slavery and other sexual violence, recruitment of children and destruction of civilian property. [...] The Security Council expresses deep concern that the activities of Boko Haram are undermining the peace and stability of the West and Central African region. [...]"</p> <p>Presidential Statement S/PRST/2015/12, 11 June 2015: "The Security Council condemns in the strongest terms the terrorist attacks conducted by Boko haram since 2009, which have caused large-scale and devastating loss of life and represent a threat to the stability and peace of West and Central Africa. In particular, the Security Council strongly condemns the continued increase in attacks perpetrated by the terrorist group in Nigeria, along the Nigeria-Cameroon border, in the northern provinces of Cameroon and attacks near the Nigeria-Chad border."</p> <p>Presidential Statement S/PRST/2015/14, 28 July 2015: "The Security Council expresses its concern at the continued threat posed to international peace and security by [Boko Haram] [...] The Security Council reiterates its strong condemnation of all the terrorist attacks, abuses of human rights and violations of international humanitarian law by Boko Haram in the Lake Chad Basin region, recognizes that women and girls are particularly targeted by Boko Haram, expresses its deep sympathy and condolences to the families of the victims as well as to the peoples and Governments of Nigeria, Niger, Cameroon and Chad and wishes speedy recovery to those injured."</p> <p>Presidential Statement S/PRST/2016/7, 13 May 2016: "The Security Council strongly condemns all terrorist attacks, abuses of human rights and violations of international humanitarian law by Boko Haram in the Lake Chad Basin region, including those involving killings and other violence against civilians, notably women and children, abductions, pillaging, rape, sexual slavery and other sexual violence, recruitment and use of children, and destruction of civilian property. The Security Council expresses serious concern over the reported violations and abuses of human rights and large-scale displacement of the civilian population across the Lake Chad Basin region as a result of Boko Haram's activities. The Security Council stresses that those responsible for these abuses and violations of human rights and violations of international humanitarian law must be held accountable and brought to justice. The Security Council expresses deep concern that the activities of Boko Haram continue to undermine the peace and stability of the West and Central African region. The Security Council expresses alarm at Boko Haram's linkages with the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh). The Security Council demands that Boko Haram immediately and unequivocally cease all violence and all abuses of human rights and violations of international humanitarian law."</p>
7. UNGA Reaction	2 disapproves	<p>UNGA Resolution A/RES/70/64, 7 December 2015: <i>"Expressing concern</i> about the terrorist attacks by Boko Haram in the Lake Chad Basin region (...) <i>Encourages</i> the Economic Community of Central African States (...), to accelerate joint efforts to adopt a comprehensive strategy to more effectively and urgently combat the threat posed by Boko Haram."</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	African Union:

	<p>“The Council Strongly condemns the abhorrent terrorist attacks, including against schools and universities, markets and places of worship, carried out by Boko Haram over the past few years, killing hundreds of people, wounding many others and leading to significant displacements of populations both within the affected areas in Nigeria and towards the neighboring countries. Council also strongly condemns the cowardly kidnapping by Boko Haram, on 14 April 2014, of over 200 young girls from a school in the town of Chibok, in the Borno State, and whose fate remains unknown to-date.” (AUPSC, Communiqué of the 436th meeting, PSC/PR/COMM/2. (CDXXXVI), 23 May 2014)</p> <p>“The Council Reiterates its strong condemnation of the abhorrent terrorist attacks, including against schools and universities, markets and places of worship, carried out by Boko Haram over the past few years, killing hundreds of people, wounding many others and leading to significant displacements of populations both within the affected areas in Nigeria and in the neighboring countries.” (AUPSC, Communiqué of the 469th meeting, PSC/PR/COMM.(CDLXIX), 25 November 2014)</p> <p>“The Council Reiterates the AU’s strong condemnation of the horrendous terrorist attacks committed by Boko Haram, including killings of civilians, kidnappings, hostage taking, pillaging and destruction of civilian property, sexually-based violence and other abuses. In this respect, Council notes with deep concern the most recent escalation by Boko Haram of its attacks, notably the mass killings committed in Baga, Borno State, which may constitute a crime against humanity (...).” (AUPSC, Communiqué of the 484th meeting, PSC/AHG/COMM.2(CDLXXXIV), 29 January 2015)</p> <p>“The Council Strongly condemns the attacks by Boko Haram on innocent civilians and public institutions, as well as its abductions and kidnappings, carried out in the Lake Chad Basin.” (AUPSC, Communiqué of 639th meeting, PSC/PR/2.(DCXXXIX), 29 November 2016)</p> <p>Other multinational declarations: <i>### Members, see Nigeria 9 ###</i></p> <p>“The meeting noted that the Boko Haram sect has, since its emergence, distinguished itself through violent attacks against civilians, summary executions, looting and destruction, extortion with the threat of death, abduction and harassment of defence and security forces of the region, particularly in Cameroon and Nigeria. The meeting strongly condemned the attack carried out on 3 January 2015 against the village of Baga, which resulted in large scale massacres considered as a crime against humanity. Participants noted that the abuses committed by Boko Haram had caused significant inflows of refugees from the Borno, Yobe and Adamawa States into the Niger, Chad and Cameroon, as well as massive internal displacement of persons. The meeting expressed its concerns about the funding sources of Boko Haram.” (Niamey Declaration, S/2015/7, 20 January 2015)</p> <p>“We Condemn in the strongest possible terms the recurrent and deadly attacks perpetrated by this amorphous group and by other terrorist groups identified in the subregion, including the Lord’s Resistance Army” (Libreville Declaration, United Nations Standing Advisory Committee on Security Questions in Central Africa Statement, UN Doc A/70/682, S/2016/39. Annex III, 27 November 2015)</p>
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		<p><i>### Members see Nigeria 9 ###</i></p> <p>“We, Concerned by the repeated and growing attacks of the terrorist group Boko Haram against the Republic of Cameroon, and the Republic of Chad; Strongly condemn the terrorist actions of Boko Haram in Nigeria, Cameroon, Chad and Niger; Equally condemn the financing and any form of support to the terrorist group Boko Haram” (COPAX, Yaounde Declaration, 16 February 2015)</p> <p>France:</p> <p>“Boko Haram is not just Nigeria's problem, but the whole world's. They have links to terrorist organizations throughout Africa and could destabilize the entire continent. This organization is capable of endangering the lives of innocent civilians, of abducting young girls and reducing them to bondage, to sell them.” (Statement of Françoise Hollande, President of France at Paris Summit for Security in Nigeria, 17 May 2014, https://www.rfi.fr/en/africa/20140517-global-strategy-against-boko-haram-adopted-paris-summit (accessed on 17 September 2022))</p> <p>Germany:</p> <p>„Deutschland sei von den Brutalitäten Boko Harams tief betroffen. Die Miliz verübe ‘abscheuliche Verbrechen’.” (Statement of Angela Merkel, Chancellor of Germany, 19 January 2015, https://www.bundesregierung.de/breg-de/aktuelles/merkel-unterstuetzt-kampf-gegen-boko-haram-421906 (accessed on 17 September 2022))</p>
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70. Syria et al. vs. Islamic State 2013-present

Key data

Duration: 13.05.2013 – present; Participants: Syria, Iran and Russia v Islamic State; Initiator: Islamic State.

652 Syria

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
12 Other	4 no spec.	2 No	2 No	2 No	2 No	2 No	<p>### public international law invoked to justify the internal use of force ###</p> <p>Security Council, Provisional Meeting records, 21st November 2016, S/PV.7817, p. 22 f.: “There are hundreds of letters in which we have explained the presence of terrorists on the ground. [...] The kind of terrorism we suffer is the same that prevails everywhere — in Iraq, Libya, Egypt, Kenya, Somalia, Tanzania, the Niger, Chad and Nigeria. It is the same terrorism; its roots are the same. Why do we all, without exception, support the fight being waged by the Iraqi Government and the popular mobilization forces against Da’esh terrorism in Mosul? We do so because it is a valid right.”</p>

						<p>The Iraqi Government is fighting terrorism. We are combating the very same terrorism in Syria. Terrorism in Aleppo is the same kind of terrorism carried out in Mosul, so why then are we being condemned while the very same people who criticize us support those who are fighting the same terrorism in Mosul? Da'esh is there and the same Da'esh is here, in my country. Why does that double standard exist?"</p> <p>"The liberation of some 100,000 civilians in Aleppo, from the area members refer to as eastern Aleppo, including tens of thousands of children, was never a part of the plans of the three musketeers' Governments and their proxies. Otherwise, those Governments would have welcomed the achievements of the Syrian army and its allies, who are combating terrorism in Syria on behalf of the entire membership of the international community — now that the threat of terrorism is present in every corner of the world because of the reckless policies and the cheap political blackmail of those Governments. [...] We will not hesitate in our constitutional and legal duty to expel terrorists from Aleppo and from all Syrian territory. We will not hesitate to save Syrians from the scourge and practices of those groups, in conformity with the principles of international law and in implementation of Security Council resolutions on combating terrorism — just like any State Member of this international Organization that cherishes its sovereignty." (SC Provisional Meeting Records, S/PV.7825, 5.12.2016, p. 15)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
	Code	Material
6. UNSC Reaction	3 unclear	<p>### Following the attacks in the Sinai, Beirut, Ankara and Paris ###</p> <p>SC Res. 2249 (2015), 20 November 2015, S/RES/2249 (2015): "[§ 5] Calls upon Member States that have the capacity to do so to take all necessary measures, in compliance with international law, in particular with the United Nations Charter, as well as international human rights, refugee and humanitarian law, on the territory under the control of ISIL also known as Da'esh, in Syria and Iraq, to redouble and coordinate their efforts to prevent and suppress terrorist acts committed specifically by ISIL also known as Da'esh."</p>
7. UNGA Reaction	3 unclear	<p>UNGA Res on the Human Rights Situation in Syria, 29 January 2015, A/RES/69/189: „[preamble] Recalling that, amid expressions of popular discontent over restrictions on the enjoyment of civil, political, economic and social rights, civilian protests erupted in Dar'a in March 2011, and noting that the excessive and violent oppression of civilian protests by the Syrian authorities, which later escalated to the direct shelling of civilian population areas, fuelled the escalation of armed violence and extremist groups; Expressing outrage at the continuing escalation of violence in the Syrian Arab Republic, which has caused more than 191,000 fatalities, and in particular at the continued widespread and systematic gross violations, as well as abuses, of human rights and violations of international humanitarian law, including those involving the continued use of heavy weapons and aerial bombardments, such as the indiscriminate use of ballistic missiles, cluster munitions, barrel and vacuum bombs, and chlorine gas, and starvation of civilians as a method of combat by the Syrian authorities against the Syrian population; Expressing grave concern at the disproportionate use of force by the Syrian authorities against civilians, which has caused immense human suffering and fomented the spread of extremism and extremist groups and which demonstrates the failure of the Syrian authorities to protect the Syrian population and to implement the relevant resolutions and decisions of United Nations bodies, [...]"</p> <p>### See also A/RES/70/234 and A/RES/71/203 ###</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Venezuela: „As we said on 8 October (see S/PV.7785), the fight against terrorism being conducted jointly by the Governments of Syria and Russia is the most effective way to protect the Syrian population from the terror and death that the terrorists are carrying out in the territories under their control in eastern Aleppo. [...] It is also necessary to bear in mind that the Syrian Government has the full right to defend its sovereignty and territorial integrity when threatened with terrorism from the Islamic State in Iraq and the Levant and the Al-Nusra Front. Further, we should also keep in mind that the military operations under way in coordination with Russia are aimed at retaking the territory occupied by these terrorist groups. It is therefore a matter of maintaining territorial</p>

	<p>unity and political independence of the nation, in accordance with the purposes and principles of the Charter of the United Nations. In the fight against these terrorist groups, it is clear that the full commitment and efforts of the Syrian Government to protect its own people from terrorist barbarism have been handicapped by external forces that have pledged to defeat the legitimate authorities of the country. [...] Of course, the solution to the conflict is not military one but political. That does not mean, however, that the Syrian Government relinquishes its responsibility to protect the people from terrorism and defend its own territory." (Security Council, Provisional Meeting records, 5th December 2016, S/PV.7825, p. 8f.)</p> <p>France:</p> <p>„To put it plainly, we must prevent Idlib from becoming the new Aleppo at all costs. An offensive would not only have drastic humanitarian consequences, but would also pose a serious migration and security threat to all of us, with a major risk of terrorist fighters spreading. [...] Let us make no mistake about it: the current offensive is not exclusively about the fight against terrorism. It is part of the brutal retaking of areas that are still outside the control of the regime and its allies. That offensive contributes only to the amplification and spread of the terrorist threat. We support Turkey in stepping up its efforts to reduce the influence of terrorist groups. In any event, fighting terrorism, which is a priority for all of us, cannot be used to justify violations of international humanitarian law." (Security Council, Provisional Meeting Records, S/PV.8527, 17.5.2019, p. 8, 9)</p> <p>“Since the beginning of the Syrian crisis, France has defended an unchanging position, that is, the primacy of a negotiated solution, given that a military solution is impossible, as only a political solution will allow us to meet the aspirations of the Syrian people, ensure lasting peace and combat terrorism. France is convinced that the headlong military rush by the regime and its supporters is not simply a moral fault but also a strategic error — a strategic error that, beyond Syria, endangers the international community as a whole. Without a political solution, Syria will remain what it is today: a devastated and divided country, prey to incessant fighting and the foremost bastion of international terrorism.” (SC Provisional Meeting Records, S/PV.7825, 5.12.2016, p.6)</p> <p>Belgium, Germany, Kuwait:</p> <p>„We acknowledge that there is a considerable presence of members of United Nations-designated terrorist organizations in Idlib. We clearly condemn the violent attacks they have carried out. But the fight against terrorism can in no way justify indiscriminate attacks on civilians and civilian infrastructure. Counter-terrorism operations do not override the responsibility of parties to protect civilians, nor should they impede impartial humanitarian action. The use of barrel bombs, in any place but especially in populated areas, is completely unacceptable, as it demonstrates complete disregard for human life and represents a strategy of collective punishment.” (Security Council, Provisional Meeting records, S/PV.8527, 17.5.2019, p. 5)</p> <p>United Kingdom:</p> <p>„The Belgian Ambassador also referred to the fact that counter-terrorist operations are not a license for indiscriminate attacks on civilians. I want to underscore that point as well. It is in the Geneva Conventions. It is a central doctrine of international humanitarian law. Proportionality, distinction and necessity really matter, and they do not seem to be in evidence in Idlib. [...] Russia must ensure that its own forces and those of its ally in Damascus strictly abide by international humanitarian law and the</p>
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	<p>agreements and resolutions to which, as a member of the international community and as one of the permanent five members of the Security Council, it has agreed.” (Security Council, Provisional Meeting records, S/PV.8527, 17.5.2019, p. 8)</p> <p>United States: „Millions of civilian lives are in jeopardy due to increased hostilities by Russia and the regime over the past two weeks in Idlib and Hama governorates. These intensified military operations continue to destabilize the region. The escalation has killed or injured at least 100 people and driven more than 180,000 from their homes, as we have heard — some for the third or fourth time in eight years of war, fleeing the Al-Assad regime’s barrel bombs and Russian and regime air strikes. [...] The United States reiterates that any escalation in violence in north-western Syria would destabilize the region, and we call on the Russian Federation to take the following steps with immediate effect, in recognition of its ability to influence the behaviour of the Al-Assad regime.” (Security Council, Provisional Meeting records, S/PV.8527, 17.5.2019, p. 6)</p> <p>Peru: „Peru strongly condemns terrorism and believes that the terrorist groups in Idlib and other areas of Syria must be brought to justice. We also acknowledge the need to safeguard Syria’s sovereignty, unity and territorial integrity. However, we underscore that in no case does that justify the commission of additional attacks on civilians and medical facilities, medical personnel and essential health infrastructure.” (Security Council, Provisional Meeting records, S/PV.8527, 17.5.2019, p. 10)</p> <p>Poland: „Let me conclude by underlining that any military operation — even those aimed at countering terrorism — should be fully in line with international humanitarian law and human rights law.” (Security Council, Provisional Meeting records, S/PV.8527, 17.5.2019, p. 12)</p> <p>New Zealand: “Secondly, offensive operations must be immediately and exclusively focused on ISIL, the Al-Nusra Front and any other terrorist organizations designated as such by the Security Council. Those operations must be carried out in a way that protects civilians.” (Security Council, Provisional Meeting Records, S/PV.7588, 18.12.2015, p. 19)</p> <p>“A particularly unhelpful role is being played by the terrorist groups. However, leaving aside the area occupied and controlled by the Islamic State of Iraq and the Levant, no amount of diplomatic diversion can hide the fact that we are witness to the destruction of a country and its people, led by its own Government and supported by a permanent member of the Security Council.” (Security Council, Provisional Meeting records, S/PV.7817, 21.11.2016, p. 18)</p> <p>71 UN-Members: “We express our outrage regarding the continued bloodshed and violence against civilians in Syria caused, in particular, by the systematic use of barrel bombs.” (Letter from Belgium, Luxembourg and the Netherlands to the President of the SC, S/2015/454 , 18.06.2015, [on behalf of 71 States])</p>
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	<p>Jordan: “It should enable [Syrians] to begin and sustain a path towards the realization of a political solution through the process outlined in resolution 2254 (2015) and to determine the time frames required and mechanisms necessary for its implementation and the fulfilment of all obligations, as well as to lay the groundwork for a comprehensive ceasefire, which would, however, not apply to the terrorists groups Daesh, the Al-Nusra Front and others, but which will lead to defeating them.” (Security Council, Provisional Meeting Records, S/PV.7588, 18.12.2015, p. 7)</p> <p>China: “There is simply no military solution to the Syrian crisis. Political negotiations are the only viable option. All warring parties in Syria must stop fighting immediately, and those organizations and individuals that reject the ceasefire will find themselves in opposition to the Syrian people and the whole world, and they will pay a high price.” (Security Council, Provisional Meeting Records, S/PV.7588, 18.12.2015, p. 9)</p> <p>Chile: “Terrorism, which has greatly affected Syria and many other countries, must be fought in a united manner similar to the valued unity with which the Council has addressed the terrorist threat in recent weeks.” (Security Council, Provisional Meeting Records, S/PV.7588, 18.12.2015, p. 20)</p> <p>Angola: “We also welcome the broad-based international coalition to fight the so-called Islamic State/Daesh and other terrorist groups. Auspiciously, it became evident that inaction was no longer suitable given the dangerous proliferation of extremism throughout the world and its impact on the daily lives of people everywhere. A unified stand in the fight on terrorism is crucial. Terrorists can prevail anywhere in the world. The more the international community is divided and States selfishly pursue their national interests, the more the terrorists prey on vulnerable and alienated communities in conflict-ridden areas, thereby swelling their ranks and increasingly threatening international peace and security.” (Security Council, Provisional Meeting Records, S/PV.7588, 18.12.2015, p. 14)</p> <p>Lithuania: “To this very day, the civilian population continues to suffer atrocities committed not only by terrorist groups such as Daesh but also by President Al-Assad’s regime. As part of the problem, President Al-Assad cannot be seen as part of the solution to this devastating crisis.” (Security Council, Provisional Meeting Records, S/PV.7588, 18.12.2015, p. 15)</p>
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365 *Russia*

	Code
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Law invoked?	1 Yes
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	2 No	2 No	2 No	2No	<p>Letter from Russia to the President of the SC, dated 15th October 2015, S/2015/792: „I have the honor to inform you that, in response to a request from the President of the Syrian Arab Republic, Bashar al-Asad, to provide military assistance in combating the terrorist group Islamic State in Iraq and the Levant (ISIL) and other terrorist groups operating in Syria, the Russian Federation began launching air and missile strikes against the assets of terrorist formations in the territory of the Syrian Arab Republic on 30 September 2015.“</p> <p>Security Council, Provisional Meeting Records, 18 December 2015, S/PV.7588, p. 5: “The Council’s unanimous vote today should open up a pathway to creating a broad anti-terrorism front on the basis of the Charter of the United Nations, with the support of everyone on the planet who opposes terror, including the Syrian army, the Kurdish volunteers and the armed patriotic Syrian opposition. Elements of the Russian air forces contributed to the efforts to accomplish this task in response to the invitation from the legitimate Government of the Syrian Arab Republic.”</p> <p>Security Council, Provisional Meeting records, 21st November 2016, S/PV.7817, p. 16: “[...] unlike what has been hypocritically described by some as an operation of support, we are conducting a counter-terrorism operation in the country. Yes, we are supporting the legitimate Government.”</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	"We follow what is happening there very closely because, unlike what has been hypocritically described by some as an operation of support, we are conducting a counter-terrorism operation in the country." (Security Council, Provisional Meeting records, S/PV.7817, 21.11.2016, p. 16)

	Code	Material
6. UNSC Reaction	4 unclear + veto	<p>### Ceasefire Resolutions were vetoed by Russia and China (e.g. Draft Resolution S/2016/1026, for Russia's and China's reasoning, see S/PV.7825, page 2f. and page 7f. ###</p> <p>SC Res. 2249 (2015), 20 November 2015, S/RES/2249 (2015): "[§ 5] Calls upon Member States that have the capacity to do so to take all necessary measures, in compliance with international law, in particular with the United Nations Charter, as well as international human rights, refugee and humanitarian law, on the territory under the control of ISIL also known as Da'esh, in Syria and Iraq, to redouble and coordinate their efforts to prevent and suppress terrorist acts committed specifically by ISIL also known as Da'esh."</p>
7. UNGA Reaction	3 unclear	<p>GA Res regarding the Human Rights Situation in Syria, 9 March 2016, A/RES/70/234: „[§ 3] Also deplores and condemns in the strongest terms the continued widespread and systematic gross violations of human rights and fundamental freedoms and all violations of international humanitarian law by the Syrian authorities, the Government-affiliated shabbiha militias and those who fight on their behalf, including those violations involving the use of heavy weapons, aerial bombardments, cluster munitions, ballistic missiles, barrel bombs, chemical weapons and other force against civilians, [...]“</p>
8. ICJ Reaction	4 no reaction	

<p>9. State Reaction</p>	<p>3 unclear</p>	<p>Venezuela: „As we said on 8 October (see S/PV.7785), the fight against terrorism being conducted jointly by the Governments of Syria and Russia is the most effective way to protect the Syrian population from the terror and death that the terrorists are carrying out in the territories under their control in eastern Aleppo. [...] Further, we should also keep in mind that the military operations under way in coordination with Russia are aimed at retaking the territory occupied by these terrorist groups. It is therefore a matter of maintaining territorial unity and political independence of the nation, in accordance with the purposes and principles of the Charter of the United Nations.“ (Security Council, Provisional Meeting records, S/PV.7825, 05.12.2016, p. 8f.)</p> <p>United States: “Millions of civilian lives are in jeopardy due to increased hostilities by Russia and the regime over the past two weeks in Idlib and Hama governorates. These intensified military operations continue to destabilize the region. The escalation has killed or injured at least 100 people and driven more than 180,000 from their homes, as we have heard — some for the third or fourth time in eight years of war, fleeing the Al-Assad regime’s barrel bombs and Russian and regime air strikes. [...] [W]e call on the Russian Federation to take the following steps with immediate effect, in recognition of its ability to influence the behaviour of the Al-Assad regime. First, it must ensure the de-escalation of all military activity in the Idlib demilitarized zone and recommitment to the full implementation of the 17 September 2018 Sochi agreement. This means a full cessation of all hostilities in the area — full stop.“ (Security Council, Provisional Meeting records, S/PV.8527, 17.05.2019, p. 6)</p> <p>“[The Under-Secretary-General’s] remarks show once again what happens when the conflict continues and when Russia and the Al-Assad regime relentlessly pummel civilian areas from the air and regularly block deliveries of humanitarian aid on the ground. [...] Of course, we will hear today from the Syrian regime and the Russian Federation a very different narrative. Russia will no doubt talk at length about how its unilateral pause in air strikes over eastern Aleppo was some kind of humanitarian gesture. The reality is that the Al-Assad regime and Russia are continuing their starve-get-bombed-or-surrender strategy in eastern Aleppo. [...] Russia and the Al-Assad regime are waging a campaign that includes sieges, the blocking of humanitarian aid, the indiscriminate bombardment of civilian areas and the use of barrel bombs. [...] We — not just members of the Security Council, but all States Members of the United Nations — must be clear that the Al-Assad regime, Russia and their allies are responsible for that destruction [...]. In the face of that destruction and overwhelming suffering, the perpetrators must know that the pursuit of a military solution is as foolish as it is brutal. Attacks on civilians fuel terrorism; they do not defeat terrorism. The perpetrators must also know that, like their ignominious predecessors throughout history, they will face judgment for their crimes.” (Security Council, Provisional Meeting records, S/PV.7817, 21.11.2016, p. 10f.)</p> <p>France: “France calls once again on those members of the Council that are involved in the combat and have influence on the regime to break the ongoing downward course in that devastated land, which will only usher in decades instability, violence and terrorism. Let us not deceive ourselves. It is not just a total war-strategy that has been triggered in Aleppo. It is not only a humanitarian catastrophe, but also a strategic error. That strategy will mechanically lead to the partition of Syria. It will exacerbate the pace</p>
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	<p>towards radicalization and it will strengthen Da'esh and terrorism in general.” (Security Council, Provisional Meeting records, S/PV.7817, 21.11.2016, p. 13)</p> <p>United Kingdom: “The United Nations is working tirelessly to help millions of men, women and children in desperate need in Syria. The Syrian regime and Russia, in contrast, seem to be determined to increase that number, make their suffering even worse and prolong the barbaric conflict.” (Security Council, Provisional Meeting records, S/PV.7817, 21.11.2016, p. 14)</p> <p>“Russia claims it is fighting terrorism and that its veto today is in pursuit of ridding Syria of extremists. That is pure fantasy. Blocking a seven-day ceasefire — a ceasefire that would have let aid in, that would have fed starving children — is not fighting terrorism. Continuing the indiscriminate bombing of civilians and attacking medical facilities is not fighting terrorism. Supporting a regime that uses chemical weapons and carries out war crimes is not fighting terrorism. Russia will claim that its intent is decent — humanitarian, even. [...] We all know who is using starve-or-surrender tactics, and who is bombing civilians into submission.” (SC Provisional Meeting Records, S/PV.7825, 05.12.2016, p. 7)</p> <p>„The Belgian Ambassador also referred to the fact that counter-terrorist operations are not a license for indiscriminate attacks on civilians. I want to underscore that point as well. It is in the Geneva Conventions. It is a central doctrine of international humanitarian law. Proportionality, distinction and necessity really matter, and they do not seem to be in evidence in Idlib. [...] Russia must ensure that its own forces and those of its ally in Damascus strictly abide by international humanitarian law and the agreements and resolutions to which, as a member of the international community and as one of the permanent five members of the Security Council, it has agreed.“ (Security Council, Provisional Meeting records, S/PV.8527, 17.05.2019, p. 8)</p> <p>New Zealand: “A particularly unhelpful role is being played by the terrorist groups. However, leaving aside the area occupied and controlled by the Islamic State of Iraq and the Levant, no amount of diplomatic diversion can hide the fact that we are witness to the destruction of a country and its people, led by its own Government and supported by a permanent member of the Security Council.” (Security Council, Provisional Meeting records, S/PV.7817, 21.11.2016, p. 18)</p> <p>Malaysia: “While Malaysia shares the notion of eliminating terrorism and its threat, such a fight must not be at the expense of innocent civilians.” (Security Council, Provisional Meeting records, S/PV.7817, 21.11.2016, p. 19)</p> <p>Dominican Republic: „The Dominican Republic notes with great concern the increasing military escalation in southern Idlib and northern Hama in the Syrian Arab Republic, which has resulted in greater suffering, destruction and desolation for the Syrian people. [...] and that counter-terrorism activities must also respect such norms.” (Security Council, Provisional Meeting records, S/PV.8527, 17.5.2019, p. 9)</p>
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	<p>Uruguay: “We can make the point that responsibility for the crisis must be shared by the entire Security Council, given our inability to find a path towards a solution. But certainly by far the majority of the responsibility is with the members of the Organization and of the Council that participate directly in the bombings and that contribute to those attacks by way of an unlimited supply of weapons.” (Security Council, Provisional Meeting records, S/PV.7817, 21.11.2016, p. 9)</p> <p>China: “There is simply no military solution to the Syrian crisis. Political negotiations are the only viable option. All warring parties in Syria must stop fighting immediately, and those organizations and individuals that reject the ceasefire will find themselves in opposition to the Syrian people and the whole world, and they will pay a high price.” (Security Council, Provisional Meeting Records, S/PV.7588, 18.12.2015, p. 9)</p>
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630 Iran

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	2 No	2 No	2 No	2 No	“The presence of a limited number of Iranian military advisers in Syria is on the invitation of the legitimate Syrian Government , is aimed at assisting Syrian forces and their allies in their fight against internationally designated terrorist groups and will continue as long as necessary.” (S/2018/459, Letter of 14.05.2018 from Iran to the President of the SC)

Letter sent in accordance with Art. 51 UNCh	0 – not applicable
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	12 other	### designation as terrorist entity by SC ### “[§ 4] Reaffirmed their determination to continue cooperation in order to ultimately eliminate DAESH/ISIL, Al-Nusra Front and all other individuals, groups, undertakings and entities associated with Al-Qaeda or DAESH/ISIL, as they have been designated as terrorists by the UN Security Council. ” (S/2018/828, 7 September 2018, Joint Statement by Russia, Iran and Turkey,)

	Code	Material
6. UNSC Reaction	4 unclear + veto	see Russia 6
7. UNGA Reaction	3 unclear	see Russia 7
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	For France, China, Malaysia, Uruguay and Dominican Republic, see Russia 9

Islamic State

	Code
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Law invoked?	1 Yes
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	7 enforcing a specific political system	“Therefore, the shūrā (consultation) council of the Islamic State studied this matter after the Islamic State – by Allah’s grace – gained the essentials necessary for khilāfah , which the Muslims are sinful for if they do not try to establish. In light of the fact that the Islamic State has no shar’ī (legal) constraint or excuse that can justify delaying or neglecting the establishment of the khilāfah such that it would not be sinful, the Islamic State [...] resolved to announce the establishment of the Islamic khilāfah,

		<p>[...]” (Excerpt of ISIS announcement, quoted from Roggio, ISIS announces formation of Caliphate ‘Islamic State’, 29 June 2014, Long War Journal, https://www.longwarjournal.org/archives/2014/06/isis_announces_formation_of_ca.php (accessed on 17 October 2022))</p> <p>“On June 29, [the Islamic State of Iraq and Sham (Syria)] finally declared itself the caliphate in a triumphant audio address by Abu Muhammad al- ‘Adnani. Henceforward the group was to be known simply as “the Islamic State,” ‘Adnani announced, no longer “the Islamic State of Iraq and Sham.” Its sovereignty was to extend across the entire world, not just Iraq and Syria.” (Bunzel, "From Paper State to Caliphate: The Ideology of the Islamic State", The Brookings Project on U.S. Relations with the Islamic World Analysis Paper, No. 19, March 2015, p. 31)</p> <p>“The Islamic State of Iraq and Syria (ISIS) has now officially become a global Islamic caliphate. It took 14 months for its leader, who is known as Abu Bakr al-Baghdadi, to set himself up as a ruler ‘by order of God.’ He is not only the ‘commander of the faithful’ now, but also the caliph-at-large, and the ‘successor’ of Prophet Mohammad. [...] On Sunday, Abu Mohammed al-Adnani, spokesperson for ISIS, declared the creation of the Islamic caliphate, ‘the jihadis’ long-running dream.’ [...] ISIS, or IS, believes that pledging allegiance to the new caliph is a duty for every Muslim, and those who fail or refuse to do so shall be deemed as apostates, and will be fought and struck down. This was clearly stated by Adnani, who said, ‘Beware of splitting the ranks. Those who want to split the ranks, strike their heads with bullets [...]” (Radwan Mortada, "What does ISIS’ declaration of a caliphate mean?", 30.06.2014, https://web.archive.org/web/20190119080201/https://english.al-akhbar.com/node/20378 (accessed on 17 October 2022))</p> <p>“ISIL has detailed its goals in its <i>Dabiq</i> magazine, saying it will continue to seize land and take over the entire Earth until its: ‘Blessed flag...covers all eastern and western extents of the Earth, filling the world with the truth and justice of Islam and putting an end to the falsehood and tyranny of jahiliyyah [state of ignorance], even if America and its coalition despise such.’” (Dabiq, The Islamic State's English-language magazine (5th edition) quoted from: Joscelyn, "US counterterrorism efforts in Syria: A winning strategy?", Long War Journal, 29 September 2015, https://www.longwarjournal.org/archives/2015/09/us-counterterrorism-efforts-in-syria-a-winning-strategy.php (accessed on 17 October 2022))</p> <p>### <i>Jihadism is the use of force to spread Islamism. Islamism is the desire to impose any version of Islam over society (Quiliam, p. 8)</i> ###</p> <p>### <i>Analyzing the arguments of Fiqh al-Dima (or The Jurisprudence of Blood), the jihadist manual behind the Islamic State</i> ###</p> <p>“Killing non-Muslims in general is legal simply because they are not Muslims; the only exception would be those who have formally capitulated to the Muslim forces.” (Al-Ansari & Hasan, Tackling Terror: A Response to Takfiri Terrorist Theology, Quiliam, 2018, p. 82)</p> <p>### <i>Analyzing the arguments of Fiqh al-Dima (or The Jurisprudence of Blood), the jihadist manual behind the Islamic State</i> ###</p>
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	<p>“[The Lord] has, through the greatest of his guidance, made it legitimate for his servants that wage Jihad in his path to shoot the warring (harbi) unbelievers, kill them, fight them by every means that may snatch away their souls, drive their spirits from their bodies, cleansing the earth of their filth and removing their scourge from mankind, whatever that means may be ... The Almighty said: ‘And let not those who disbelieve think that they can outstrip (escape from the punishment). Verily, they will never be able to save themselves (from Allah's Punishment). And make ready against them all you can of power, including steeds of war (tanks, planes, missiles, artillery, etc.) to threaten the enemy of Allah and your enemy’ [the latter is cited as a passage from the Qu’ran]” (Al-Ansari & Hasan, Tackling Terror: A Response to Takfiri Terrorist Theology, Quiliam, 2018, p. 82)</p> <p>### Analyzing the arguments of <i>Fiqh al-Dima (or The Jurisprudence of Blood)</i>, the jihadist manual behind the Islamic State ### “Killing the unbelievers who do not have a peace treaty with Muslims is legitimate. This is reliant on the view that non-Muslims could be killed on the mere basis of unbelief (kufr). This means, or so the author’s argument runs, that the killing of noncombatants who are not Muslim is legitimate.” (Al-Ansari & Hasan, Tackling Terror: A Response to Takfiri Terrorist Theology, Quiliam, 2018, p. 45)</p> <p>### Analyzing the arguments of <i>Fiqh al-Dima (or The Jurisprudence of Blood)</i>, the jihadist manual behind the Islamic State ### “There is no inviolability for an unbeliever (kafir) with whom the people of Islam have not agreed truce or safety, in blood or money.[...] The situation with all people on the face of the earth with regard to following Islam falls into three categories: (i) people of Islam who belong to it; (ii) those who are peaceful with Islam through peace treaty or truce. For these two groups, their blood and money are inviolable until one of them commits actions which render his blood or money violable under the law of shari’a. Category (iii) refers to anyone else who does not belong to one of the first two groups. Every kafir on the face of the earth who does not have a treaty with Islam; those who did not make truce with Muslim people through protection, truce or safety: then they are warring unbelievers (kafir harbi) and have no inviolability at all whatsoever, meaning: in any way or situation.” (Al-Ansari & Hasan, Tackling Terror: A Response to Takfiri Terrorist Theology, Quiliam, 2018, p. 27)</p> <p>“In another speech [2007], Baghdadi explicitly emphasized the importance of ,offensive jihad,’ which he defined as ,going after the apostate unbelievers’ by attacking [them] in their home territory, in order to make God’s word most high and until there is no persecution. Consistent with Wahhabi doctrine, ,persecution’ is understood to mean idolatry.” (Bunzel, From Paper State to Caliphate: The Ideology of the Islamic State, The Brookings Project on U.S. Relations with the Islamic World Analysis Paper, No. 19, March 2015, p. 10)</p> <p>### Analyzing the arguments of <i>Fiqh al-Dima (or The Jurisprudence of Blood)</i>, the jihadist manual behind the Islamic State ### “[The] ideology starts with the principle of excommunicating all existing political regimes, as they are not implementing the true teachings of Islam and have fallen into a ‘trap of pre-Islamic ignorance’ (jahiliyya), and distinguishing, as the author does, between the ‘lands of Islam’ and the ‘lands of unbelief (kufr)’. The jihadists are therefore entitled to fight the unbelievers and attack all infidel (non-Muslim) countries of the world that do not have a treaty with them. This jihad has to continue until infidelity (non-</p>
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		<p>Islam) disappears and Islam becomes the only dominant faith” (Al-Ansari & Hasan, Tackling Terror: A Response to Takfiri Terrorist Theology, Quiliam, 2018, p. 11)</p> <p><i>### Analyzing the arguments of Fiqh al-Dima (or The Jurisprudence of Blood), the jihadist manual behind the Islamic State ###</i> , p. 21: We can summarise the argument of this chapter as comprising two main elements: 1. A worldview that creates a division between the House/Land of Islam (Dar allslam) and the House/Land of unbelief (Dar al-Kufr). 2. Foreign relations with other states should comprise conflict (and ultimately, war), hatred, and religious superiority.” (Al-Ansari & Hasan, Tackling Terror: A Response to Takfiri Terrorist Theology, Quiliam, 2018, p. 21)</p> <p><i>### reciting an audio message by the Islamic State’s official spokesman, Abu Muhammad al-Adnani ###</i> ‘No one,’ he [al-‘Adnani] thundered, ‘will stop us from aiding our brethren [brothers?] in Syria! No one will stop us from fighting the Alawis and waging jihad in Syria.’” (Bunzel, From Paper State to Caliphate: The Ideology of the Islamic State, The Brookings Project on U.S. Relations with the Islamic World Analysis Paper, No. 19, March 2015, p. 26)</p>
<p>5.4</p>	<p>6 defense against ideology</p>	<p>“Traditionally, jihadis, including those in al-Qaeda, have espoused ‘defensive jihad,’ casting their militant acts as defensive in nature. They perceive the Middle East to be under attack by secular ‘apostate’ rulers and their Western ‘crusader’ backers. The Islamic State also advocates for ‘defensive jihad.’ As former Islamic State leader Abu ‘Umar al-Baghdadi once observed, “The rulers of Muslim lands are traitors, unbelievers, sinners, liars, deceivers, and criminals.’ What is more, he said in 2007, ‘[we believe that] fighting them is of greater necessity than fighting the occupying crusader’.” (Bunzel, From Paper State to Caliphate: The Ideology of the Islamic State, The Brookings Project on U.S. Relations with the Islamic World Analysis Paper, No. 19, March 2015, p. 10)</p> <p>“A separate chapter documents attempts to justify the use of weapons of mass destruction. ‘The central aim for which we strive – and we do so with all available strength – is the acquisition of weapons, weapons of mass destruction, for there is no escaping the obligation to defend against these defiant perverters of faith and end the aggression of the malodorous filth against Islam and its people,’ writes Muhajir, the Isis author.” (The core Isis manual that twisted Islam to legitimise barbarity, The Guardian, 12.05.2018, https://www.theguardian.com/world/2018/may/12/isis-jihadist-manual-analysed-rebutted-by-islamic-scholar (accessed on 17 October 2022))</p> <p><i>### Analyzing the arguments of Fiqh al-Dima (or The Jurisprudence of Blood), the jihadist manual behind the Islamic State ###</i> “The balance of power between the people of Islam and their unbeliever enemies is currently imbalanced in favour of the enemy unbelievers. Such is the terrible disparity in the balance of power that the non-believers take from it the mantle of authority over the Muslims, forcing them into disgrace and ignominy, mocking the Muslims with threats of using their superior power – occasionally implicitly and often overtly – by decrees that the entire Ummah accept with no response or riposte. That is to say nothing about the fact that with their superior power they seek to pervert the Muslims’ faith; to establish their own collective market that is filled to bursting with unbelief, apostasy, and the like; to impose their desires upon the Muslims and intervene in the affairs of any people that they intend. Thus, the central aim for which we strive – and we do so with all available strength – is the acquisition of weapons – weapons of mass destruction – for there is no escaping the obligation to defend against these</p>

		defiant perverters of faith and end the aggression of the malodourous filth against Islam and its people.“ (Al-Ansari & Hasan, Tackling Terror: A Response to Takfiri Terrorist Theology, Quilliam, 2018, p. 55)
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	Code	Material
6. UNSC Reaction	2 disapproves	<p>### Designation as terrorist organization on 30 May 2013, as a part of Al-Qaida in Iraq, see: SC, Press Release: Security Council Al-Qaida Sanctions Committee Amends Entry of One Entity on Its Sanctions List, 30 May 2013, SC/11019 and SC Res. 2253, 17 December 2015, S/RES/2253 (2015) ###</p> <p>SC Res. 2253, 17 December 2015, S/RES/2253 (2015): „[preamble] Reaffirming that terrorism in all forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever, wherever, and by whomsoever committed, and reiterating its unequivocal condemnation of the Islamic State in Iraq and the Levant (ISIL, also known as Da’esh), Al-Qaida, and associated individuals, groups, undertakings, and entities for ongoing and multiple criminal terrorist acts aimed at causing the deaths of innocent civilians and other victims, destruction of property, and greatly undermining stability. [...] Expressing its gravest concern about the presence, violent extremist ideology and actions of ISIL“</p> <p>SC Res. 2249 (2015), 20 November 2015, S/RES/2249 (2015): “[preamble] Determining that, by its violent extremist ideology, its terrorist acts, [...] the Islamic State in Iraq and the Levant (ISIL, also known as Da’esh), constitutes a global and unprecedented threat to international peace and security. [...] Determined to combat by all means this unprecedented threat to international peace and security [...] [§ 1] Unequivocally condemns in the strongest terms the horrifying terrorist attacks perpetrated by ISIL also known as Da’esh which took place on 26 June 2015 in Sousse, on 10 October 2015 in Ankara, on 31 October 2015 over Sinai, on 12 November 2015 in Beirut and on 13 November 2015 in Paris, and all other attacks perpetrated by ISIL also known as Da’esh, including hostage -taking and killing, and notes it has the capability and intention to carry out further attacks and regards all such acts of terrorism as a threat to peace and security [...] [§ 5] Calls upon Member States that have the capacity to do so to take all necessary measures, in compliance with international law, in particular with the United Nations Charter, as well as international human rights, refugee and humanitarian law, on the territory under the control of ISIL also known as Da’esh, in Syria and Iraq, to redouble and coordinate their efforts to prevent and suppress terrorist acts committed specifically by ISIL also known as Da’esh.”</p> <p>United Nations Yearbook 2014, p. 514: “Failure to resolve the conflict in Syria produced an enabling environment for ISIL, the Nusra Front and Al-Qaida-affiliated groups that spread outwards from Iraq and posed a threat to regional and international peace and security. On 15 August, the Security Council adopted resolution 2170(2014), expressing concern that parts of Syria were under the control of such groups and demanding their immediate disarmament and disbandment.”</p> <p>SC Res. 2139 (2014), 22 February 2014, S/RES/2139 (2014):</p>

		<p>“ [preamble] Strongly condemning the increased terrorist attacks resulting in numerous casualties and destruction carried out by organizations and individuals associated with Al-Qaeda, its affiliates and other terrorist groups, and reiterating its call on all parties to commit to putting an end to terrorist acts perpetrated by such organizations and individuals, while reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security, and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed [...]. [§ 14] Strongly condemns the increased terrorist attacks [...] carried out by organizations and individuals associated with Al-Qaeda, [...] and reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security, and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed.”</p> <p>SC Res. 2165, 14 July 2014, S/RES/2165 (2014), p. 2: “Expressing grave alarm at the spread of extremism and extremist groups [...] condemning terrorism in all its forms and manifestations and recalling in this regard its resolutions 1373 (2001), 1624 (2005), 2129 (2013) and 2133 (2014).”</p> <p>SC Res. 2191, 17 December 2014, S/RES/2191 (2014), p. 2: “Expressing its grave concern that areas of Syria are under the control of the Islamic State in Iraq and the Levant (ISIL) and Al Nusrah Front (ANF) and about the negative impact of their presence, violent extremist ideology and actions on stability in Syria and the region, including the devastating humanitarian impact on the civilian populations which has led to the displacement of hundreds of thousands of people, reaffirming its resolve to address all aspects of the threat posed by ISIL, ANF and all other individuals, groups, undertakings and entities associated with Al-Qaida, and calling for the implementation of Security Council resolutions 2170 (2014) and 2178 (2014), and its Presidential Statement of 28 July 2014 (S/PRST/2014/14),”</p> <p>Security Council Press Statement on the murder of James Foley, 22 August 2014, SC/11531-IK/689: “The members of the Security Council strongly condemned the heinous and cowardly murder of James Foley, an American journalist, by the Islamic State of Iraq and the Levant (ISIL). This incident is a tragic reminder of the increasing dangers journalists face every day in Syria. It also once again demonstrates the brutality of ISIL, which is responsible for thousands of abuses against the Syrian and Iraqi people. [...] The members of the Security Council stressed that ISIL must be defeated and that the intolerance, violence and hatred it espouses must be stamped out. [...] The members of the Security Council reaffirmed the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts, and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed.”</p> <p>Security Council Press Statement on ISIL’s violent seizure of Palmyra, Syria, 22 May 2015, SC/11904: “The members of the Security Council strongly condemned the ongoing barbaric terrorist acts by the Islamic State of Iraq and the Levant (ISIL/Da’esh) in Syria, including its violent takeover of Palmyra. [...] The members of the Security Council condemned in the strongest terms ISIL’s terrorist acts, which reportedly include beheadings and killings.”</p>
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		<p>Security Council Press Statement on Terrorist Attack in Damascus, 1 February 2016, SC/12232: “The members of the Security Council reaffirmed that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security. [...] The members of the Security Council reiterated that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed. They reaffirmed the need for all States to combat by all means, in accordance with the Charter of the United Nations and other obligations under international law, including human rights law, international refugee law and international humanitarian law, threats to international peace and security caused by terrorist acts.”</p>
<p>7. UNGA Reaction</p>	<p>3 unclear</p>	<p>UNGA Resolution on the Human Rights Situation in Syria, 29 January 2015, A/RES/69/189: „[preamble] Expressing grave concern also at the spread of extremism and extremist groups, terrorism and terrorist groups, and strongly condemning all violations and abuses of human rights and violations of international humanitarian law committed in the Syrian Arab Republic by any party to the conflict, in particular the so-called Islamic State in Iraq and the Levant, militias fighting on behalf of the regime, Al-Qaida-affiliated terrorist groups and other extremist groups“</p> <p>### Repeated in Resolution 70/234 on the Human Rights Situation in the Syrian Arab Republic, 23rd December 2015, A/RES/70/234. ###</p> <p>UNGA Resolution on the Human Rights Situation in Syria, 23 January 2018, A/RES/72/191: „[preamble] Recalling that, amid expressions of popular discontent over restrictions on the enjoyment of civil, political, economic and social rights, civilian protests erupted in Dar’a in March 2011, and noting that the violent oppression of civilian protests by the Syrian authorities, which later escalated to the direct shelling of civilians, fuelled the escalation of armed violence and violent extremist groups, and terrorist groups, including so-called ISIL (also known as Da’esh), [...] Expressing grave concern also at the remaining presence of extremism and violent extremist groups, terrorism and terrorist groups, and strongly condemning all violations and abuses of human rights and violations of international humanitarian law committed in the Syrian Arab Republic by any party to the conflict, in particular so-called ISIL (also known as Da’esh), Al-Nusrah Front, Al-Qaida-affiliated terrorist groups, and militias fighting on behalf of the regime, and other violent extremist groups, [...] Expressing its deepest concern about the latest findings of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism that the Syrian Arab Armed Forces were responsible for the use of sarin as a chemical weapon in Khan Shaykhun in April 2017, and that so-called ISIL (also known as Da’esh) used sulfur mustard in Umm Hawsh in September 2016, as well as previous findings of at least three chlorine attacks by the Syrian Arab Republic and one mustard attack by so-called ISIL (also known as Da’esh), [...] [§ 4] Strongly condemns any use of any chemical weapons, such as chlorine, sarin and sulfur mustard, by any party as a weapon in the Syrian Arab Republic, and also demands that the Syrian regime and so-called ISIL (also known as Da’esh) immediately desist from any further use of chemical weapons [...] [§ 14] Deplores and strongly condemns the terrorist acts and violence committed against civilians by so-called ISIL (also known as Da’esh) and Al-Nusrah Front and their continued gross, systematic and widespread abuses of human rights and violations of international humanitarian law [...] [§ 15] Condemns in the strongest terms the gross and systematic abuse of women’s and children’s rights by so-called ISIL (also known as Da’esh), [...] [§ 42] Strongly condemns practices including abduction, hostage-taking, arbitrary and incommunicado detention, torture, the murder of</p>

		<p>innocent civilians and summary executions carried out by non-State armed groups and terrorist groups, most notably so-called ISIL (also known as Da'esh)"</p> <p>### See also: A/RES/71/203 ###</p> <p>Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic - Rule of Terror: Living under ISIS in Syria, 19 November 2014, A/HRC/27/CRP.3:</p> <p>„[§ 1] The armed group, the self-proclaimed ‚Islamic State‘ (hereinafter ‚the armed group‘ or ‚ISIS‘)1 has made calculated use of public brutality and indoctrination to ensure the submission of communities under its control. A terrorist group, as designated by Security Council under Resolution 2170, it has become synonymous with extreme violence directed against civilians and captured fighters. [...] [§ 5] Initially, ISIS was one faction among hundreds of other armed groups in Syria. In April 2013, it began to develop into a well-organised, dominant armed force in control of large swathes of populated areas in Syria and Iraq, posing a significant threat to peace and stability in the region.</p>
<p>8. ICJ Reaction</p>	<p>4 no reaction</p>	
<p>9. State Reaction</p>	<p>2 disapproves</p>	<p>Peru: „Peru strongly condemns terrorism and believes that the terrorist groups in Idlib and other areas of Syria must be brought to justice.“ (Security Council, Provisional Meeting records, S/PV.8527, 17.05.2019, p. 10)</p> <p>Equatorial Guinea: „[We] stress the need to take effective measures to combat terrorist organizations in Syria.“ (Security Council, Provisional Meeting records, S/PV.8527, 17.05.2019, p. 11)</p> <p>United States: “ISIL is a terrorist organization, pure and simple. And it has no vision other than the slaughter of all who stand in its way.“ (President Obama, Statement by the President on ISIL, 10 September 2014, The White House Office of the Press Secretary, https://obamawhitehouse.archives.gov/the-press-office/2014/09/10/Statement-president-isil-1 (accessed on 17 October 2022))</p> <p>“Therefore, we members of the Council need to separate fact from fiction today. When we renewed the Joint Investigative Mechanism for Syria last week (see S/PV.7815), I and many members spoke of how we could not uphold the norm against chemical weapons use if we did not know which party was using chemical weapons. In that regard again, to uphold the humanitarian demands of the Council, we need to speak frankly and very specifically about which parties are responsible for the suffering of the Syrian people. That means condemning the atrocities committed by terrorist organizations like Jabhat Al-Nusra and the Islamic State in Iraq and the Levant (ISIL) — which the United States has done and will continue to do — but it also means telling the truth about Russia and the Al-Assad regime’s actions. [...] ISIL atrocities are in a category unto themselves, which is why the United States leads a 67-member coalition to defeat that terrorist organization.” (Security Council, Provisional Meeting records, S/PV.7817, 21.11.2016, p.10f.)</p>

	<p>“Looking ahead, we know that Daesh can never be allowed to gain control in Syria, so we have a global imperative here not only to deal with a terrorist entity, but also to end the civil war and to bring legitimacy back to the governance of Syria.” (Security Council, Provisional Meeting Records, S/PV.7588, 18.12.2015, p. 4)</p> <p>Venezuela: “Terrorism is the cause of the humanitarian catastrophe in Syria. The acts carried out by groups such as the Islamic State in Iraq and the Sham (ISIS), the Al-Nusra Front and their allies are a threat to international peace and security, which is why they must be combated in strict adherence to international law.” (Security Council, Provisional Meeting records, S/PV.7817, 21.11.2016, p. 17f.)</p> <p>„In Syria, a terrible war has been imposed, and some countries have unflaggingly supported terrorist groups, the executioners of the Syrian people. [...] What is regrettable about the entire situation is that in spite of this ongoing debate on Syria here in the Security Council, it is the Syrian people who are dying and the victims of a brutal conflict that has been thrust on them, in which terrorist groups have destroyed and devastated the entire country.” (Security Council, Provisional Meeting records, S/PV.7825, 5.12.2016, p. 8f.)</p> <p>“[W]e believe that the text reaffirms the view that the solution to the armed conflict that affects that Arab country, as a result of the criminal actions of terrorist groups, should be political, peaceful and negotiated.” (Security Council, Provisional Meeting Records, S/PV.7588, 18.12.2015, p. 17)</p> <p>China: “In working to mitigate the humanitarian situation, we should not overlook the need to combat terrorism. Terrorists and terrorist organizations inside Syria are launching repeated attacks, gravely hampering humanitarian efforts. The international community must strengthen its coordination, follow uniform standards and resolutely combat all Council-listed terrorist organizations.” (Security Council, Provisional Meeting records, S/PV.7817, 21.11.2016, p. 20)</p> <p>“[Syria] has become a hotbed where radical ideas breed and spread as well as a playground for terrorists, posing a grave threat to the peace and security of the region and beyond.” (Security Council, Provisional Meeting Records, S/PV.7588, 18.12.2015, p. 9)</p> <p>European Union: “[§ 8] ISIL (Da'esh) and Al-Qaeda constitute a threat to international peace and security. Restrictive measures adopted by the Union in the context of the fight against ISIL (Da'esh) and Al-Qaeda and persons, groups, undertakings and entities associated with them, fall within the objectives of the Union's Common Foreign and Security Policy as set out in Article 21(2)(c) of the Treaty. [§ 9] In view of the threat posed by ISIL (Da'esh) and Al-Qaeda, the Council should be able to impose targeted restrictive measures on any individual regardless of nationality or citizenship, or on any entity responsible for terrorist actions on behalf or</p>
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	<p>in support of ISIL (Da'esh) and Al-Qaeda, in accordance with the criteria set out in this Decision.” (Official Journal of the European Union, Council Decision (CFSP) 2016/1693 of 20 September 2016, Document Number L 255/25)</p> <p>Armenia, Belarus, Kazakhstan, Kyrgyz Republic, Russian Federation, Republic of Tajikistan (The Collective Security Treaty Organization): “We strongly condemn the terrorist acts [...]” (A/68/833–S/2014/255, Letter of 9 April 2014 from Russia to the UN SG, p. 2 [on behalf of the States above])</p> <p>Senegal: „It is by coming together around the goal of peace and stability in Syria that we will succeed in effectively combating terrorist organizations such as the Islamic State and Jabhat Fatah Al-Sham, formerly the Al-Nusra Front, which are unquestionably our common enemies.“ (Security Council, Provisional Meeting records, S/PV.7825, 05.12.2016, p. 12)</p> <p>Saudi Arabia: “Saudi Arabia condemns terrorism in all its forms and affirms that terrorism has no religion or nationality. [...] Any call, from any entity, that deviates from the principles of Saudi Arabia’s policy of rejecting terrorism and extremism and striving for coexistence, peace and security for all humanity is unacceptable and rejected.” (A/68/769–S/2014/92, Identical Letters from Saudi Arabia to the UN SG and President of the Security Council, p. 1)</p> <p>United Kingdom: „ISIL is a brutal Sunni Islamist terrorist group active in Iraq and Syria. The group adheres to a global jihadist ideology, following an extreme interpretation of Islam, which is anti-Western and promotes sectarian violence. [...] ISIL not only poses a threat from within Syria but has made significant advances in Iraq. The threat from ISIL in Iraq and Syria is very serious and shows clearly the importance of taking a strong stand against the extremists. [...] It appears that ISIL is treating Iraq and Syria as one theatre of conflict and its potential ability to operate across the border must be a cause of concern for the whole international community.” (UK Government, List of Proscribed Terrorist Organizations, 20 June 2014, p. 9, 10, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/324603/20140627-List_of_Proscribed_organisations_WEBSITE_final.pdf (accessed on 17 October 2022))</p> <p>“An end to the civil war in Syria is critical to tackling Daesh in the long term. We all agree that terrorist groups must not and will not benefit from the ceasefire that we are promoting.” (Security Council, Provisional Meeting Records, S/PV.7588, 18.12.2015, p.12)</p> <p>Turkey: “With the emergence of Daesh, the threats from Syria gained new dimensions. [...] Also, Security Council resolutions 2170 (2014) and 2178 (2014) have underscored the threat posed by Daesh and the resolve of the international community to combat Daesh.” (S/2015/563, Letter of 24.07.2015 from Turkey to the President of the Security Council)</p>
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	<p>France: “The terrorism of Daesh has struck the heart of [Syria’s] cities.” [...] [p. 9] France, for its part, will remain active and vigilant so as to ensure that all military forces are focused on combating Daesh and eradicating terrorism.” (Security Council, Provisional Meeting Records, S/PV.7588, 18.12.2015, p. 8)</p> <p>Jordan: “[The Syrian crisis repercussions] pose [...] a threat to the region and to the international community, particularly through the humanitarian issues resulting from the millions of Syrians who are now internally displaced or seeking asylum, and on the security front, owing to the expansion of the Daesh terrorist group, the Al-Nusra Front and other terrorist individuals and entities. [...] [p. 7] With regard to terrorism and extremism, Jordan leads the international efforts to defeat the terrorism and extremism in our region. It is a terrorism that destroys the image of our great religion, Islam, and its message of tolerance and its moderate cause. All those who try to commit crimes in the name of our religion are not part of the religion at all.” (Security Council, Provisional Meeting Records, S/PV.7588, 18.12.2015, p. 6)</p> <p>Belgium, Germany, Kuwait: „We acknowledge that there is a considerable presence of members of United Nations-designated terrorist organizations in Idlib. We clearly condemn the violent attacks they have carried out.” (Security Council, Provisional Meeting records, S/PV.8527, 17.05.2019, p. 5)</p> <p>Finland: „The Islamic State in Iraq and the Levant (ISIL) and its horrendous terror are a direct by-product of the conflicts in Syria and Iraq.“ (A/70/PV.16, 29.09.2015, p. 11)</p> <p>Spain: “[The Syrian civil war] triggered the escalation of the terrorism perpetrated by Daesh, which has become the main threat to the international community on a global scale.” (Security Council, Provisional Meeting Records, S/PV.7588, 18.12.2015, p.13)</p> <p>Angola: “Exclusion, poverty and armed conflict serve as a breeding ground for violent extremist groups to spread their ideology of hatred and intolerance, as is the case with the Islamic State in Iraq and the Levant (ISIL)/Daesh and other terrorist organizations operating in the region.” (Security Council, Provisional Meeting Records, S/PV.7588, 18.12.2015, p.14)</p> <p>Lithuania: "To this very day, the civilian population continues to suffer atrocities committed not only by terrorist groups such as Daesh. [...] Even with a political transition soundly on track, Daesh will remain one of the biggest threats to peace and stability in the region and beyond. Along with the military effort to defeat Daesh, there will be a long and difficult battle against its poisonous ideology.</p>
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		<p>That battle must be fought by Muslims themselves, who are the primary and most vulnerable target of Daesh’s murderous ideology.” (Security Council, Provisional Meeting Records, S/PV.7588, 18 December 2015, p. 15)</p> <p>Malaysia: “The Syrian people are further tormented by Daesh, the Al-Nusra Front and other terrorist groups and violent extremists, reinforced by the unprecedented influx of foreign terrorist fighters.” (Security Council, Provisional Meeting Records, S/PV.7588, 18.12.2015, p. 16)</p> <p>Chad: “Continuing the war is not just disastrous, but also provides a breeding ground for the spread of terrorist groups, such as Daesh and Jabhat Al-Nusra, which could destabilize the entire region. Indeed, the scope of the threat is worldwide.” (Security Council, Provisional Meeting Records, S/PV.7588, 18.12.2015, p. 21)</p> <p>Australia: “Islamic State follows an extreme interpretation of Islam which is anti-Western, promotes sectarian violence and targets those that do not agree with its interpretations as infidels and apostates.” (Australian National Security, Listed Terrorist Organizations, 11 July 2014, https://www.nationalsecurity.gov.au/what-australia-is-doing/terrorist-organisations/listed-terrorist-organisations/islamic-state (accessed on 17 October 2022))</p>
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71. Government of Yemen vs. AQAP vs. Houthis 2014-present

Key data

Duration: 16.9.2014 – present; Participants: Government of Yemen, GCC (Bahrain, Egypt, Jordan, Kuwait, Morocco, Qatar, Saudi Arabia, Sudan, United Arab Emirates) vs. Al Qaeda Arabian Peninsula (AQAP) vs. Houthis; Initiator: Houthis.

Houthis movement

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	### The Houthis exert de facto authority over northern Yemen. They fight against the international recognized Hadi government and rebelled against their economic deprivation and the suppression of their Zaidite faith. They demand access to the sea and a funding solution beyond their resource-poor areas. Furthermore, they fight against an Israeli and American hegemony and have a similar ideology to the Iranian Islamic Revolutionary Guards Corps (IRGC) and the Lebanese Hizbullah. However, these arguments can neither be classified as a justificatory claim nor as a legitimacy claim. ###

						<p>“The Houthi movement, a Shiite group with Iranian backing, opposes Al Qaeda but also objects to the strong United States influence here [in Yemen].” (El-Naggar, Houthis Blamen Separatists in Yemen for Stalemate, NYT, 27.01.2015, nytimes.com/2015/01/28/world/middleeast/houthi-leader-blames-separatists-in-south-yemen-for-political-stalemate.html (accessed on 24 September 2022))</p> <p>„Bewohner der Provinz Saadah, die zu den ärmsten im Jemen zählt, begehren seither als "Houthis" unter dem Namen ihres getöteten Anführers gegen ihre wirtschaftliche Benachteiligung und die Unterdrückung ihres zaiditischen Glaubens auf.“ (Hermann, Im Schatten Syriens, FAZ, 14.10.2016, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAW__FW201610144968937 (accessed on 24 September 2022))</p> <p>„In einem dreijährigen Bürgerkrieg im Jemen kämpfen Huthi-Rebellen gegen die international anerkannte Regierung des Landes.“ (Saudi-Arabien hat Ziele im Jemen bombadiert, FAZ, 21.12.2017, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZN__20171221_5352681 (accessed on 24 September 2022))</p> <p>„Wie Salih wollten auch die <u>Houthis</u> den Nationalen Dialog scheitern lassen. Denn ohne Erfolg hatten sie eine föderale Lösung über ihre ressourcenarmen Gebiete hinaus und einen Zugang zum Meer gefordert.“ (Hermann, Der Jemen am Abrund“, FAZ, 23.03.2018, S. 8, https://www.faz.net/aktuell/politik/ausland/saudi-arabien-und-der-jemen-am-abgrund-15515708.html (accessed on 24 September 2022))</p> <p>„Unbestritten ist die ideologische Nähe der Houthis zu den iranischen Revolutionswächtern und der libanesischen Hizbullah. Vor wenigen Tagen sagte der Führer der Houthis, Abd al Malik al Houthi, der libanesischen Zeitung ‚al Akhbar‘, er sei bereit, Kämpfer in den Libanon und nach Palästina zu entsenden, um ‚Brüder der islamischen Nation gegen den israelischen Feind zu befreien‘. Schließlich sei der Kampf ‚gegen die israelische und amerikanische Hegemonie‘ einer der wichtigsten Motive auch für die Houthis.“ (Hermann, Der Jemen am Abrund“, FAZ, 23.03.2018, S. 8, https://www.faz.net/aktuell/politik/ausland/saudi-arabien-und-der-jemen-am-abgrund-15515708.html (accessed on 24 September 2022))</p>
<p>Letter sent in accordance with Art. 51 UNCh</p>	<p>0 – not applicable</p>					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	2 disapproves	<p>UNSC Res 2014, 21 October 2011: <i>„2. Strongly condemns the continued human rights violations by the Yemeni authorities, such as the excessive use of force against peaceful protestors as well as the acts of violence, use of force, and human rights abuses perpetrated by other actors, and stresses that all those responsible for violence, human rights violations and abuses should be held accountable;“</i></p> <p>UNSC Res 2216, 14 April 2015: <i>“Condemning in the strongest terms the ongoing unilateral actions taken by the Houthis, and their failure to implement the demands in resolution 2201 (2015) to immediately and unconditionally withdraw their forces from government institutions (...) Deploing any attempt by the Houthis to take actions that are exclusively within the authority of the legitimate Government of Yemen, and noting that such actions are unacceptable, Noting with concern the destabilizing actions taken by the former President of Yemen, Ali Abdullah Saleh, including supporting the Houthis’ actions, which continue to undermine the peace, security and stability of Yemen. Acting under Chapter VII of the Charter of the United Nations, 1. Demands that all Yemeni parties, in particular the Houthis, fully implement resolution 2201 (2015), refrain from further unilateral actions that could undermine the political transition in Yemen, and further demands that the Houthis immediately and unconditionally: (a) end the use of violence; (b) withdraw their forces from all areas they have seized, including the capital Sana’a; (...) “</i></p> <p>UNSC Res 2201, 15 February 2015:</p>

		<p>„Deploing the unilateral actions taken by the Houthis to dissolve parliament and take over Yemen’s government institutions, which have seriously escalated the situation, expressing alarm at the acts of violence committed by the Houthis and their supporters, which have undermined the political transition process in Yemen, and jeopardized the security, stability, sovereignty and unity of Yemen. <i>Expressing grave concern</i> that the Houthis are holding Yemeni government officials, including President Abd Rabbuh Mansur Hadi, Prime Minister Khalid Bahah and members of the Cabinet, under house arrest 1. Strongly deplores actions taken by the Houthis to dissolve parliament and take over Yemen’s government institutions, including acts of violence</p> <p>7. Demands that the Houthis immediately and unconditionally: a) engage in good faith in the United Nations-brokered negotiations; (b) withdraw their forces from government institutions, including in the capital Sana’a, and normalize the security situation in the capital and other provinces, and relinquish government and security institutions“</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p>### Many States (e.g., the US; France, Germany, Italy, the UK, Malaysia etc.) are disapproving the actions taken by the Houthis. Only Iran, on the other hand, is said to support the Houthis, but is remains unclear to what extent this is the fact. Therefore, the overall State Reaction is disapproving. ###</p> <p>Iran: ### Iran is accused of supporting the Houthis. However, it is unclear to what extent this is the fact. ###</p> <p>„Umstritten ist, in welchem Maß Iran die Houthis unterstützt. Offenbar bilden Militärberater der iranischen Revolutionsgarden und der libanesischen Hizbullah die Houthis im Gebrauch von ballistischen Raketen aus Iran aus. Alle anderen Waffen können die Houthis auf den Schwarzmärkten im Jemen selbst kaufen.“ (Hermann, Der Jemen am Abrund“, FAZ, 23.03.2018, S. 8, https://www.faz.net/aktuell/politik/ausland/saudi-arabien-und-der-jemen-am-abgrund-15515708.html (accessed on 24 September 2022))</p> <p>„Iran has denied supporting the Houthis, but Iranian-made missiles have been used by the group during the fighting.“ (“How Yemen Became a Humanitarian Nightmare: Untangling a Complex War”, The New York Times, 13.06.2018, https://www.nytimes.com/2018/06/13/world/middleeast/yemen-war-explainer.html (accessed on 24 September 2022))</p> <p>“The Houthis, who have received support from Iran, occupied the capital and ousted the president in recent months.” (Gladstone, “Yemen: Al-Qaeda Outlaws a Stimulant”, The New York Times, 15.05.2015, nytimes.com/2015/05/15/world/middleeast/yemen-al-qaeda-outlaws-a-stimulant.html (accessed on 24 September 2022))</p> <p>„Die Houthis werden vom schiitischen Iran unterstützt, der mit dem sunnitischen Saudi-Arabien um die Vorherrschaft in der Golfregion buhlt.“ (“America verlegt weitere Truppen in Golfregion”, Frankfurter Allgemeine Zeitung, 21.09.2019, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZN__20190921_6395880 (accessed on 24 September 2022))</p> <p>“While, due to heavy support from Iran, Saudi Arabia perceives the group as a proxy of Iran.”</p>

	<p>(Al-Dosari / George, Yemen War: An Overview of the Armed Conflict and Role of Belligerents, 13(1) Journal of Politics and Law 53, 2020)</p> <p>France, Germany, Italy, United Kingdom, United States of America: <i>### Condemn attacks by the Houthis. ###</i> „We, the governments of France, Germany, Italy, the United Kingdom, and the United States of America, condemn the sustained Houthi offensive on the Yemeni city of Ma’rib and the major escalation of attacks the Houthis have conducted and claimed against Saudi Arabia. Their determined attack on Ma’rib is worsening an already dire humanitarian crisis.“ (United States, US Department of State, Joint Statement of the Governments of France, Germany, Italy, the United Kingdom, and the United States of America on Houthi Attacks, 11.03.2021, https://www.state.gov/joint-statement-of-the-governments-of-france-germany-italy-the-united-kingdom-and-the-united-states-of-america-on-houthi-attacks/ (accessed on 24 September 2022))</p> <p>United States: <i>### condemning attacks by the Houthis ###</i> “The United States strongly condemns the Houthis’ attacks on population centers in Saudi Arabia on Saturday, February 27. These attacks threaten not only innocent civilians but also prospects for peace and stability in Yemen. (...) The United States remains committed to its longstanding partnership with the Kingdom of Saudi Arabia and to helping Saudi Arabia defend its territory as it faces attacks from Iranian-aligned groups.” (United States, US Department of State, Houthi Attacks on Saudi-Arabia, 28.02.2021, https://www.state.gov/houthi-attacks-on-saudi-arabia/ (accessed on 24 September 2022))</p> <p>“The United States strongly condemns the Houthi complex attacks against Saudi Arabia this week, including the most recent attack today in Jizan, which threatened civilian infrastructure. These actions by the Houthis perpetuate the conflict in Yemen, now going into its seventh year. As U.S. Special Envoy Tim Lenderking and UN Special Envoy Martin Griffiths work side-by-side to promote UN-led peace efforts, the Houthis’ actions are prolonging the suffering of the Yemeni people and jeopardizing these efforts at a moment when there is a commitment from the international community to end the conflict now.” (United States, US Department of States, Press Statement, Houthis Attack While the International Community Commits to End Conflict in Yemen, 15.04.2021, https://www.state.gov/houthis-attack-while-the-international-community-commits-to-end-conflict-in-yemen/ (accessed on 24 September 2022))</p> <p>Saudi Arabia: <i>### Saudi Arabia is disapproving the actions taken by the Houthis and is accusing Iran of backing the Houthis. ###</i> „Saudi Ambassador Princess Reema Bandar Al Saud has described the March 7th attacks on the Kingdom as egregious terrorist attacks carried out by Iranian-backed militias against Saudi Arabia, calling them a threat to innocent civilians and an assault on global energy security. ,The Kingdom is committed to ending the war in Yemen through a political resolution, but on the other side of this conflict is a group driven by the extremist ideology of the Iranian regime,’ the Ambassador said. ,The Houthis continue to show callous disregard for the suffering of our Yemeni brothers and sisters. Quite simply, by their actions they show they are not interested in the type of serious dialogue it will take to end the nightmare in Yemen’.” (Saudi Arabia,</p>
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		<p>Embassy in Washington DC, Statement by the Saudi Ambassador to the United States on peace efforts in Yemen and escalating attacks against the Kingdom, 09.03.2021, https://saudiembassy.net/statements/statement-saudi-ambassador-united-states-peace-efforts-yemen-and-escalating-attacks (accessed on 24 September 2022)</p> <p>Malaysia: “The blatant attack by the Houthis on the presidential palace was unacceptable and the Council had the duty and responsibility to press all parties to return to the negotiating table.” (UNSC 7426th Meeting, SC/11859, 14.04.2015, Security Council Demands End to Yemen Violence, Adopting Resolution 2216 (2015), with Russian Federation Abstaining)</p> <p>Angola: „Julio Helder de Moura Lucas (Angola) said the resolution had been necessitated by the Houthis’ actions, which jeopardized what seemed to be a promising political transition in Yemen. Praising Jordan and the Gulf Cooperation Council for their contributions to drafting the resolution, he expressed growing concern at the number and scale of attacks by terrorists.” (UNSC 7426th Meeting, SC/11859, 14.04.2015, Security Council Demands End to Yemen Violence, Adopting Resolution 2216 (2015), with Russian Federation Abstaining)</p> <p>France: “Francois Delattre (France): (...) Condemning the Houthi militia, he called on it to act in line with Council resolutions, as well as other negotiations being held under the United Nations aegis. The Houthis were jeopardizing the country’s stability.” (UNSC 7426th Meeting, SC/11859, 14.04.2015, Security Council Demands End to Yemen Violence, Adopting Resolution 2216 (2015), with Russian Federation Abstaining)</p>
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Al Qaeda in the Arabian Peninsula (AQAP)

	Code
Law invoked?	2 No

	Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### Al Qaeda in the Arabian is aiming to topple the Saudi Arabian and Yemeni government and to establish an Islamic regime. Furthermore, it is fighting the Houthis in Yemen. However, these arguments cannot be codified as a legal international justification. Therefore, Al Qaeda in the Arabian Peninsula is not raising any international justificatory or legitimacy claims. ###</p> <p>“In a video statement in 2009, a leader of AQAP described a global strategic role for AQAP that would entail ‘extending support from the [Arabian] Peninsula to jihad in Palestine, Somalia, Iraq, Afghanistan, and all Muslim countries, with the aim of defending our lands and our sacred things’.” (UNSC, Sanctions/1267, ISIL (Da’esh) and Al-Qaida Sanctions List, Al-Qaida in the Arabian Peninsula (AQAP), https://www.un.org/securitycouncil/sanctions/1267/aq_sanctions_list/summaries/entity/al-qaida-in-the-arabian-peninsula-%28aqap%29 (accessed on 24 September 2022))</p> <p>“Al-Qaeda in the Arabian Peninsula (AQAP) was formed in January 2009 by a merger between two regional offshoots of the international jihadist network in Yemen and Saudi Arabia. (...) The group has vowed to target oil facilities, foreigners and security forces as it seeks to topple the Saudi and Yemeni governments, and establish an Islamic caliphate.” (BBC, 16.06.2015, Profile: Al-Qaeda in the Arabian Peninsula, https://www.bbc.com/news/world-middle-east-11483095 (accessed on 25 September 2022))</p> <p>“The group [AQAP] is the result of a merger of al-Qaeda's Saudi and Yemeni franchises that took place in January 2009. Like the larger bin Laden network, AQAP is committed to the elimination of ‘apostate’ governments and their replacement with righteous fundamentalist Islamic regimes. In practice, however, AQAP has exhibited a persistent local focus, and has emerged as a major threat to the stability of the Yemeni government.” (Berman, The Once and Future Threat: Al-Qaeda Is Hardly Dead, World Affairs, vol. 177, 2014, p. 76-86)</p> <p>„Denn die schiitischen Houthis, die selbst ein Ziel von Al Qaida sind, bekämpfen die Terrororganisation wirksamer als alle früheren Regierungen.“ (Hermann, Abgleiten in die Anarchie, FAZ, 11.06.2015, https://www.faz.net/aktuell/politik/ausland/naher-osten/jemen-abgleiten-in-die-anarchie-13642143.html (accessed on 24 September 2022))</p>

Letter sent in accordance with Art. 51 UNCh	0 – not applicable
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	2 disapproves	<p>UNSC Res 2014, 21 October 2011: <i>“Expressing further serious concern at the increased threat from Al-Qaida in the Arabian Peninsula and the risk of new terror attacks in parts of Yemen 9. Expresses its concern over the presence of Al-Qaida in the Arabian Peninsula, and its determination to address this threat</i> in accordance with the Charter of the United Nations and international law including applicable human rights, refugee and humanitarian law”</p> <p>UNSC Res 2216, 14. April 2015: <i>“Condemning the growing number of and scale of the attacks by Al-Qaida in the Arabian Peninsula (AQAP), Expressing concern at the ability of AQAP to benefit from the deterioration of the political and security situation in Yemen, mindful that any acts of terrorism are criminal and unjustifiable regardless of their motivation, whenever, wherever and by whomsoever committed, (...)”</i></p> <p>UNSC Res 2204, 24 February 2015:</p>

		<p>### adopted unanimously ### „Recalling the listing of Al-Qaida in the Arabian Peninsula (AQAP) and associated individuals on the Al-Qaida sanctions list established by the Committee pursuant to resolutions 1267 (1999) and 1989 (2011)“</p> <p>UNSC Res 2266, 24 February 2016: „Expressing its grave concern that areas of Yemen are under the control of Al-Qaida in the Arabian Peninsula (AQAP) and about the negative impact of their presence, violent extremist ideology and actions on stability in Yemen and the region, including the devastating humanitarian impact on the civilian populations <i>Recalling</i> the listing of Al-Qaida in the Arabian Peninsula (AQAP) and associated individuals on the ISIL (Da'esh) and Al-Qaida Sanctions List“</p> <p>AQAP is listed on the UN ISIL (Da'esh) and Al-Qaida Sanctions list since 19 January 2010: “In accordance with paragraph 13 of resolution 1822 (2008) and subsequent related resolutions, the ISIL (Da'esh) and Al-Qaida Sanctions Committee makes accessible a narrative summary of reasons for the listing for individuals, groups, undertakings and entities included in the ISIL (Da'esh) and Al-Qaida Sanctions List. Date on which the narrative summary became available on the Committee's website: 19 January 2010.” (UNSC, Sanctions/1267, ISIL (Da'esh) and Al-Qaida Sanctions List, Al-Qaida in the Arabian Peninsula (AQAP), https://www.un.org/securitycouncil/sanctions/1267/aq_sanctions_list/summaries/entity/al-qaida-in-the-arabian-peninsula-%28aqap%29 (accessed on 24 September 2022))</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p>### AQAP is listed as a terrorist organization by several States. Therefore, the State Reaction is disapproving ###</p> <p>Saudi Arabia: ### Listed AQAP as a terrorist organization on 7 March 2014 in an announcement posted on the official website of the Saudi Press Agency. ### “A list published by the official Saudi Press Agency lists as terrorist organizations the Muslim Brotherhood, the Al-Nusra front - al Qaeda's official Syrian affiliate - as well as the branches of al Qaeda in Yemen and Iraq, Saudi Hezbollah and Yemen's Shiite Hawthhis.” (“Saudi Arabia names Muslim Brotherhood as terror group”, Deutsche Welle, 07.03.2014, https://www.dw.com/en/saudi-arabia-names-muslim-brotherhood-as-terror-group/a-17482621 (accessed on 25 September 2022))</p> <p>United Arab Emirates: ### Listed AQAP as a terrorist organization on 15 November 2014 ### “The UAE Cabinet on Saturday announced the names of dozens of extremist groups that have been put on its list of terrorist organisations. (...) Among the terror groups on the UAE list are Al Qaida and its affiliates in the Arabian Peninsula and (...), Al Houthis group in Yemen.” (“UAE publishes list of terrorist organization”, Gulfnews, 15.11.2014,</p>

		<p>https://gulfnews.com/uae/government/uae-publishes-list-of-terrorist-organisations-1.1412895 (accessed on 24 September 2022))</p> <p>Canada: <i>### Listed AQAP as a terrorist organization since 23.12.2010 ###</i> (Canada, Government of Canada, Listed Terrorist Entities, Current listed Entities, https://www.publicsafety.gc.ca/cnt/ntnl-scr/cntr-trrrsm/lstd-ntts/crrnt-lstd-ntts-en.aspx#7 (accessed on 24 September 2022))</p> <p>United States of America: <i>### The United States classifies AQAP as a terrorist organization ###</i> “Al Qaeda in the Arabian Peninsula remains a dangerous -- though weakened -- terrorist organization.” (United States, The White House, President Obama Welcomes New Chairman of the Joint Chiefs of Staff, 30.09.2011, https://obamawhitehouse.archives.gov/blog/2011/09/30/president-obama-welcomes-new-chairman-joint-chiefs-staff (accessed on 24 September 2022))</p> <p>“(…) what we’ve seen is the emergence of various al Qaeda affiliates. From Yemen to Iraq, from Somalia to North Africa, the threat today is more diffuse, with Al Qaeda’s affiliates in the Arabian Peninsula -- AQAP -- the most active in plotting against our homeland. And while none of AQAP’s efforts approach the scale of 9/11, they have continued to plot acts of terror, like the attempt to blow up an airplane on Christmas Day in 2009.” (United States, The White House, Speech by Barack Obama, Remarks by the President at the National Defence University, 23.05.2013, https://obamawhitehouse.archives.gov/the-press-office/2013/05/23/remarks-president-national-defense-university (accessed on 24 September 2022))</p> <p>Australia: <i>### Listed AQAP as a terrorist organization since 2010. ###</i> “The Australian Government first proscribed AQAP as a terrorist organisation under the Criminal Code in 2010 and relisted AQAP in 2013 and 2016.” (Australian Government, Australian National Security, AQAP)</p>
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679 Government of Yemen

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### Adbu Hadi is the international recognized President of Yemen since 2012, who's presidency is contested by the Houthis. Hadi stated that the Houthis commit acts of aggression against Yemeni people and the constitutional legitimacy of his government. Thus, he asked other States to support his government in accordance with the right of self-defence as set forth in Art. 51 UNCh. However, he did not bring forward a justificatory claim in regard actions taken by the country of Yemen itself. ###</p> <p>"My country, Yemen, is under siege by radical Houthi militia forces whose campaign of horror and destruction is fueled by the political and military support of an Iranian regime obsessed with regional domination. There is no question that the chaos in Yemen has been driven by Iran's hunger for power and its ambition to control the entire region. The Houthi attacks are unjust acts of aggression against the Yemeni people and the constitutional legitimacy of my government, as well as an assault on Yemen's sovereignty and security. (...) Operation Decisive Storm, the campaign by a coalition of nations led by Saudi Arabia, is coming to the aid of Yemen at the request of my government. If the Houthis do not withdraw and disarm their militia and rejoin the political dialogue, we will continue to urge the coalition to continue its military campaign against them. (...) We will need continued international support to ensure military might on the battlefield now. And we will need assistance for our civil institutions once the fighting has stopped, to return my government to leadership in the capital, Sana. Having a hostile government in a nation bordering the Bab al-Mandeb strait — the highly trafficked shipping lane leading to the Suez Canal — is in no nation's interest." (President Hadi, Yemen's President- The Houthis Must be Stopped, NYT, 12.04.2015, https://www.nytimes.com/2015/04/13/opinion/the-west-must-help-save-yemen.html (accessed on 24 September 2022))</p> <p>"I therefore appeal to you, and to the allied States that you represent, to stand by the Yemeni people as you have always done and come to the country's aid. I urge you, in accordance with the right of self-defence set forth in Article 51 of the Charter of the United Nations, and with the Charter of the League of Arab States and the Treaty on Joint Defence, to provide immediate support in every form and take the necessary measures, including military intervention, to protect Yemen and its people from the ongoing Houthi aggression, repel the attack that is expected at any</p>

							moment on Aden and the other cities of the South, and help Yemen to confront Al-Qaida and Islamic State in Iraq and the Levant.” (Letter from President Abdrabuh Mansour Hadi Mansour to Saudi Arabia, United Arab Emirates, Bahrain, Oman, Kuwait, Qatar, 24 March 2015, included in S/2015/217)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<p>### The UNSC affirms the legitimacy of President Hadi as the President of Yemen. Nevertheless, it has to be noted that the UNSC did not refer to any justificatory claims by Yemen, as they were not brought forward. ###</p> <p>UNSC Res 2051, 12 June 2012: „4. Supports the efforts of President Abd Rabbuh Mansour Hadi and the Government of National Unity to move the transition process forward, including through security sector reform and changes in senior appointments in the security and armed forces, and the launch of the preparatory process for convening the National Dialogue Conference;“</p> <p>UNSC Res 2216, 14 April 2015:</p>

		<p>### 14 affirmative votes to none against, with one abstention (Russian Federation) ###</p> <p>“Reaffirming its support for the legitimacy of the President of Yemen, Abdo Rabbo Mansour Hadi, and reiterating its call to all parties and Member States to refrain from taking any actions that undermine the unity, sovereignty, independence and territorial integrity of Yemen, and the legitimacy of the President of Yemen”</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>### States are recognizing Hadi as the legitimate president of Yemen in general (e.g. in UNSC Res 2216 (see above)) with the exception of Russia, which is demanding a political solution. However, States are not referring to any claims brought forward by Yemen. Therefore, the State reaction in regard to Yemen remains unclear. ###</p> <p>United Kingdom and France: ### Supporting the Saudi-led coalition and the Hadi government ###</p> <p>“Since the ground operation launched by the Saudi-led coalition, the United Kingdom and France both supplied heavy weapon to the coalition in support of Hadi government. [...]” (Abdullah Al Dosari and Mary George, 'Yemen War: An Overview of the Armed Conflict and Role of Belligerents' (2020) 13(1) Journal of Politics and Law 53.)</p> <p>United Kingdom: “A Ministry of Defence spokesperson said: ‘UK military personnel are not directly involved in Saudi-led Coalition operations, we are offering Saudi Arabia advice and training on best practice targeting techniques to help ensure continued compliance with International Humanitarian Law. We support Saudi forces through longstanding, pre-existing arrangements and will consider any new requests.” (Government of UK, Defence in the Media blog, MoD News Team, 8 January 2016)</p> <p>Mr Philip Hammond [The Secretary of State for Foreign and Commonwealth Affairs]: “The right hon. Gentleman is absolutely right. I cannot tell him whether it is six people, but we do have a military presence in Saudi Arabia, and we are working with the Saudi Arabians to ensure the following of correct procedures to avoid breaches of international humanitarian law — to ensure that target sets are correctly identified and processes correctly followed and that only legitimate military targets are struck. It is important that we ensure Saudi Arabia has that capability.” (United Kingdom, House of Commons, Debate 12 Jan 2016, column 697, HC Deb 12 Jan 2016, c697)</p> <p>France: ### supporting the Saudi-led coalition and the Hadi government ### “In addition, he [Francois Delattre, representative of France in the UNSC] supported ongoing efforts to bolster Yemen’s legitimate presidency.” (France, SC/11859, UNSC 7426th meeting, 14.04.2015)</p>

		<p>Russia: “Vitaly Churkin (Russian Federation) said his delegation had abstained because the resolution was not fully in line with what was required by the crisis in Yemen. The text failed to take into account proposals his country had made and to call on all sides to halt fire, did not provide for due reflection on consequences and lacked clarity on a humanitarian pause. There were also inappropriate references to sanctions, he added, stating that the resolution must not result in an escalation of the crisis. He stressed that there was no alternative to a political solution and action by the Council must be engendered from already-existing documents.” (Russian Federation, SC/11859, UNSC 7426th meeting, 14.04.2015)</p>
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670 Saudi Arabia (Gulf Cooperation Council (GCC))

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2. Source of law	Contestation about					Material
		3. facts	4. interpretation	5. exceptional circumstances	6. abstr. gen. level	7. validity	
3 invitation	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<p>### Background information regarding the States: A Saudi-Arabian-led coalition began operating in Yemen on 20 March 2015. It included all member States of the Gulf Cooperation Council (GCC) (except Oman), which are listed as a conflict-party since 2015. These GCC-States are Saudi-Arabia, the United Arab Emirates, Bahrain, Qatar and Kuwait. Furthermore, Jordan, Sudan, Morocco and Egypt have joined the Saudi-led coalition and are listed as a conflict party according to the Uppsala-Database from 2015 until 2017. ###</p> <p>### The GCC is acting on request by President Hadi with its Operation Decisive Storm as well as with Operation Renewal of Hope ###</p> <p>“The coalition conducting the air strikes in Yemen had cited the right of the legitimate Government of Yemen under President Hadi to request military support in fighting an insurgency.” (UN Doc</p>

						<p>A/CN.4/SR.3245, Statement by the UN Under-Secretary-General for Legal Affairs in ILC, Provisional Summary Record of the 3245th Meeting (5 May 2015), page 4).</p> <p>Request by President Hadi: “I therefore appeal to you, and to the allied States that you represent, to stand by the Yemeni people as you have always done and come to the country’s aid. I urge you, in accordance with the right of self-defence set forth in Article 51 of the Charter of the United Nations, and with the Charter of the League of Arab States and the Treaty on Joint Defence, to provide immediate support in every form and take the necessary measures, including military intervention, to protect Yemen and its people from the ongoing Houthi aggression, repel the attack that is expected at any moment on Aden and the other cities of the South, and help Yemen to confront Al-Qaida and Islamic State in Iraq and the Levant.” (Letter from President Abdrabuh Mansour Hadi Mansour to Saudi Arabia, United Arab Emirates, Bahrain, Oman, Kuwait, Qatar, 24 March 2015, included in S/2015/217)</p> <p>“Operation Decisive Storm, the campaign by a coalition of nations led by Saudi Arabia, is coming to the aid of Yemen at the request of my government. If the Houthis do not withdraw and disarm their militia and rejoin the political dialogue, we will continue to urge the coalition to continue its military campaign against them. [...] We will need continued international support to ensure military might on the battlefield now.” (President Hadi, Yemen’s President- The Houthis Must be Stopped, NYT, 12.04.2015, https://www.nytimes.com/2015/04/13/opinion/the-west-must-help-save-yemen.html (accessed on 24 September 2022))</p> <p>Statement by the Saudi Arabia, United Arab Emirates, Bahrain, Qatar and Kuwait: “We note the contents of President Hadi’s letter, which asks for immediate support in every form and for the necessary action to be taken in order to protect Yemen and its people from the aggression of the Houthi militias. (...) Our countries have therefore decided to respond to President Hadi’s appeal to protect Yemen and its great people from the aggression of the Houthi militias, which have always been a tool of outside forces that have constantly sought to undermine the safety and stability of Yemen.” (Statement issued by the Kingdom of Saudi Arabia, the United Arab Emirates, the Kingdom of Bahrain, the State of Qatar and the State of Kuwait, 27.03.2015, S/2015/217)</p> <p>Statement by Saudi Arabia: “Operation Decisive Storm has successfully <u>responded to the appeal of the Yemini government</u> and achieved its objectives, including (...)” (Saudi Arabia, US Embassy, Operation decisive Strom Ends,</p>
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						<p>Operation Renewal of Hope Begins with Military Objectives Achieved, Focus Shifts to the Political Process, 21.04.2015, https://www.saudiembassy.net/press-release/operation-decisive-storm-ends-operation-renewal-hope-begins-military-objectives (accessed on 24 September 2022))</p> <p>“Ambassador Adel bin Ahmed Al-Jubeir said today at a press conference held at the embassy that Operation Decisive Storm has achieved its narrow objectives and, at the request of the legitimate government of Yemen, the coalition decided to move into the next phase of operations – Operation Renewal of Hope.” (Saudi Arabia, US Embassy, Operation Decisive Storm Achieved its Objectives, 22.04.2015, https://www.saudiembassy.net/news/operation-decisive-storm-achieved-its-objectives (accessed on 24 September 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		3 facts	.4 interpretation	5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	2 No	2 Yes	2 No	2 No	2 No	<p><i>### Saudi Arabia, the United Arab Emirates, the Kingdom of Bahrain, the State of Qatar and the State of Kuwait are acting in Yemen in order to protect Yemen, as well as to protect Saudi Arabia and neighboring countries against aggression by the Houthi militias. Consequently, they assert the claim of collective self-defence (of Yemen and Saudi Arabia) and of individual self defence (of Saudi-Arabia). ###</i></p> <p>“(…) President Hadi’s letter, which asks for immediate support in every form and for the necessary action to be taken in order to protect Yemen and its people from the aggression of the Houthi militias. The latter are supported by regional forces, which are seeking to extend their hegemony over Yemen and use the country as a base from which to influence the region. The threat is therefore not only to the security, stability and sovereignty of Yemen, but also to the security of the region as a whole and to international peace and security. President Hadi has also appealed for help in confronting terrorist organizations. Moreover, the acts of aggression have also affected Saudi Arabia, and the presence of heavy weapons and short and long-range missiles beyond the control of the legitimate authorities poses a grave and ongoing threat to our countries. The Houthi</p>

						<p>militias have failed to respond to repeated warnings from the States members of the Gulf Cooperation Council and the Security Council. They have continued to violate international law and norms, and to build up a military presence, including heavy weapons and missiles, on the border of Saudi Arabia. (...) The Houthi militias have already carried out a bare-faced and unjustified attack on the territory of Saudi Arabia, in November 2009, and their current actions make it clear that they intend to do so again.</p> <p>Our countries have therefore decided to respond to President Hadi’s appeal to protect Yemen and its great people from the aggression of the Houthi militias, which have always been a tool of outside forces that have constantly sought to undermine the safety and stability of Yemen.” (Statement issued by the Kingdom of Saudi Arabia, the United Arab Emirates, the Kingdom of Bahrain, the State of Qatar and the State of Kuwait, 27.03.2015, S/2015/217)</p> <p>“ [Saudi Arabian] Ambassador Adel bin Ahmed Al-Jubeir said (...) ‘Operation Decisive Storm was designed to eliminate the threats facing the Kingdom of Saudi Arabia,’ stated Amb. Al-Jubeir in reference to the Houthi militias. ‘We’ve degraded their capabilities substantially and thereby eliminated the threat that they pose to the Kingdom of Saudi Arabia, and, in the process, ensure the safety of our borders, our territory and our citizens. (...) Our ambition in Yemen is the welfare_of the Yemeni people and peace, stability and security in Yemen, which has a positive impact on us in the Kingdom of Saudi Arabia,’ said Amb. Al-Jubeir.” (Saudi Arabia, US Embassy, Operation Decisive Storm Achieved its Objectives, 22.04.2015, https://www.saudiembassy.net/news/operation-decisive-storm-achieved-its-objectives (accessed on 24 September 2022))</p> <p>“Operation Decisive Storm has successfully responded to the appeal of the Yemini government and achieved its objectives, including: 1. The protection of Yemen from a takeover by Houthi militias and their allies. 2. The security of the Kingdom of Saudi Arabia and neighboring countries, especially from ballistic missiles and heavy weapons captured by the Houthi militias and their allies. 3. The neutralization of most of the military capabilities of the Houthi militias and their allies that represented a threat to Yemen and neighboring countries. 4. The prevention of the flow of weapons from outside of Yemen into the country (...). “(Saudi Arabia, US Embassy, Operation decisive Strom Ends, Operation Renewal of Hope Begins with Military Objectives Achieved, Focus Shifts to the Political Process, 21.04.2015, https://www.saudiembassy.net/press-release/operation-decisive-storm-ends-operation-renewal-hope-begins-military-objectives (accessed on 24 September 2022))</p> <p>“The Saudis had assembled a coalition of nine states, and they made clear that they considered the Houthis, who are allied with Iran, a mortal threat on their southern border.” (Worth, How the War in Yemen Became a Bloody Stalemate, NYT Magazine, 6.11.2018,</p>
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							https://www.nytimes.com/interactive/2018/10/31/magazine/yemen-war-saudi-arabia.html (accessed on 24 September 2022))
Letter sent in accordance with Art. 51 UNCh	2 no						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	3 maintenance of regional stability	<p>### Saudi Arabia is acting in order to maintain regional stability of several countries. ###</p> <p>„[FAZ]: ‚Was sind Ihre Ziele als Ordnungsmacht?‘ [Adel al Jubeir, Außenminister des Königreichs Saudi-Arabien]: ‚Wir wollen die territoriale Integrität der Länder [Libanon, Syrien, Irak, Jemen] erhalten. Das ist sakrosankt. Wir müssen auch an der Wirtschaft ansetzen, Arbeitsplätze und Chancen schaffen, Wachstum erzeugen. Das bringt Stabilität. Ohne gute Regierungsführung kann das nicht gelingen. Wir brauchen transparente Regierungen, die etwas leisten. Dann wird es Diktaturen, die auf externe Abenteuer setzen, um eigenes Scheitern zu rechtfertigen, nicht länger geben‘.“ (Wir sind nicht eingekreist – vielmehr ist Iran isoliert, FAZ, 28.05.2016, S.4, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FD2201605284860629 (accessed on 24 September 2022))</p>

6. UNSC Reaction	Code	Material
	1 approves	<p>UNSC Res 2014, 21 October 2011: <i>“Welcoming the engagement of the Gulf Cooperation Council, and reaffirming the support of the Security Council for the GCC’s efforts to resolve the political crisis in Yemen”</i></p>

		<p>UNSC Res 2216, 14. April 2015: <i>“Welcoming the intention of the Gulf Cooperation Council to convene a conference in Riyadh, upon the request of the President of Yemen, with the participation of all Yemeni parties to further support the political transition in Yemen, and to complement and support the UN-brokered negotiations,”</i></p> <p>UNSC Res 2201, 15 February 2015: <i>“Supporting the efforts of the Gulf Cooperation Council and commending its engagement in assisting the political transition in Yemen,”</i></p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p><i>### The reaction to the military intervention by the Saudi-Arabian-led coalition is unclear, as some States are opposing the military intervention, while other States are not taking any side in the conflict ###</i></p> <p>Iraq, Syria, Lebanon, Libya: <i>### these States disapprove a military intervention by the Saudi-led coalition ###</i></p> <p><i>“The countries against military intervention include Iraq, Syria, Lebanon, and Libya. These nations have called for the respect of each and every Arab nation's sovereignty, promoting the idea that no matter the size, wealth, and strength of any Arab nation, all nations must be treated the same as ‘there exists no leadership nation’ among them. These countries call for peaceful measures to promote peace talks between all the factions in Yemen, with the aim of realizing a national agreement and the unity of the Yemini people. They believe that foreign military intervention is a form of invasion that apart from causing humanitarian chaos does not serve any positive purpose.” (Manyuan, The Yemen Crisis: Impacts and Prospects, 54 China International Studies 2015, p. 67-80)</i></p> <p>Iraq: <i>### Iraq is opposing the military intervention by Saudi-Arabia ###</i></p> <p><i>“There is no logic to the operation at all in the first place,’ Mr. Abadi [Prime Minister of Iraq] said. ‘Mainly, the problem of Yemen is within Yemen. (...)’ Mr. Abadi said. ‘What I understand from the administration, the Saudis are not helpful on this. They don’t want a cease-fire now.’ (...) ‘The dangerous thing is we don’t know what the Saudis want to do after this,’ Mr. Abadi said. ‘Is Iraq within their radar? That’s very, very dangerous. The idea that you intervene in another state unprovoked just for regional ambition is wrong. Saddam has done it before. See what it has done to the country.’”</i></p> <p><i>(“Tensions Flare Between Iraq and Saudi Arabia in US Coalition”, The New York Times, 15.04.2015, https://www.nytimes.com/2015/04/16/world/middleeast/iraqi-prime-minister-criticizes-saudi-intervention-in-yemen.html (accessed on 25 September 2022))</i></p> <p>Iran: <i>### Iran is opposing the military intervention by Saudi-Arabia ###</i></p>

	<p>„Die iranische Regierung hat die saudisch geführte Militäroffensive im Jemen scharf kritisiert. Eine Sprecherin des Außenministeriums nannte die Aktion am Donnerstag in Teheran einen ‚gefährlichen Schritt‘, der gegen ‚internationale Verantwortlichkeiten und nationale Souveränität‘ verstoße. Das militärische Eingreifen werde die Situation im Jemen nur ‚weiter verkomplizieren, die Krise ausweiten und Chancen für eine friedliche Lösung der internen Streitigkeiten im Jemen zerstören‘.“ (\"Iran kritisiert Luftschläge gegen Houthis\", Frankfurter Allgemeine Zeitung, 26.03.2015, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZN__20150326_3506558 (accessed on 24 September 2022))</p> <p>Algeria, Mauritania, Tunesia, Palestine, Djibouti, Comoros: <i>### These nations have not taken any side in the conflict ###</i> “The nations standing by are Algeria, Mauritania, Tunisia, Palestine, Djibouti, and Comoros. These nations have not taken any side in the conflict: they are not supportive of foreign military intervention in Yemen, but are also reluctant to publically go against Saudi Arabia.” (Manyuan, The Yemen Crisis: Impacts and Prospects, 54 China International Studies 2015, p. 67-80)</p> <p>United States: <i>### the United States are approving the GCC’s military actions in general, but condemn certain attacks in specific ###</i> “The administration swiftly denied that President Obama had expressed concern about the Saudi air campaign during a meeting with Mr. Abadi on Tuesday at the White House. ‘The president did not criticize Saudi or G.C.C. actions in Yemen,’ said Alistair Baskey, a spokesman for the National Security Council, referring to the Gulf Cooperation Council. At the same time, Mr. Baskey said, Mr. Obama had conveyed his view to the Iraqi prime minister ‘that this not escalate into a broader conflict and that ultimately Yemen’s conflict can only be settled through a political negotiation.’” (“Tensions Flare Between Iraq and Saudi Arabia in US Coalition”, The New York Times, 15.04.2015, https://www.nytimes.com/2015/04/16/world/middleeast/iraqi-prime-minister-criticizes-saudi-intervention-in-yemen.html (accessed on 25 September 2022))</p> <p>„Frei von Schuld daran ist der frühere Präsident Barack Obama nicht. Er hatte Saudi-Arabien 2015 nicht zurückgehalten und sagte sogar noch seine Unterstützung zu. Die führenden amerikanischen Generäle sollen ihn gewarnt haben, dass der Krieg nicht zu gewinnen sei. Doch Obama ließ Saudi-Arabien gewähren, auch um dessen Unmut über das Atomabkommen mit Iran abzukühlen.“ (Hermann, "Kein Blankoscheck für die Saudis", Frankfurter Allgemeine Zeitung, 09.02.2021, S.8, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAZ__FD1202102096187266 (accessed on 24 September 2022))</p> <p>„Der Sprecher des Weißen Hauses ließ Saudi-Arabien noch am Tag des Angriffs wissen, dass Amerika ihm mit seiner logistischen Unterstützung keinen ‚Blankoscheck‘ für Angriffe auf zivile Ziele ausgestellt habe. Zuvor hatten im August vier Senatoren einen Gesetzentwurf eingebracht, um Waffenlieferungen an Saudi-Arabien im Wert von 1,15 Milliarden Dollar zu stoppen. Eine Mehrheit im Senat lehnte das vor drei Wochen aber ab.“ (Hermann, "Im Schatten Syriens", Frankfurter Allgemeine Zeitung, 14.10.2016, https://www.faz-corporate.de/fazPortal/saveSingleDoc?explicitId=FAW__FW201610144968937 (accessed on 24 September 2022))</p> <p>United Kingdom:</p>
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	<p>### The UK is supporting the Saudi-led military action ###</p> <p>“Mark Lyall Grant (United Kingdom), supporting Saudi-led military action at the request of Yemeni President Hadi, said that, ultimately, an inclusive political process would have to be reached.” (SC/11859, 14.04.20215, Security Council Demands End to Yemen Violence, Adopting Resolution 2216 (2015), with Russian Federation Abstaining)</p>
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696 United Arab Emirates (Gulf Cooperation Council (GCC))

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<i>see Saudi Arabia 1.1.</i>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	2 No	2 Yes	2 No	2 No	2 No	<i>see Saudi Arabia 2.1.</i>

Letter sent in accordance with Art. 51 UNCh	2 no
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see Saudi Arabia 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Saudi Arabia 9</i>

692 Bahrain (Gulf Cooperation Council (GCC))

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<i>see Saudi Arabia 1.1.</i>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						
2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	2 No	2 Yes	2 No	2 No	2 No	<i>see Saudi Arabia 2.1.</i>
Letter sent in accordance with Art. 51 UNCh	2 no						
4. Invocation of use of force by a victim state	.1 Source	Material					
0	0						

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see Saudi Arabia 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Saudi Arabia 9</i>

694 Qatar (Gulf Cooperation Council (GCC))

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<i>see Saudi Arabia 1.1.</i>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

	2 Source of law	Contestation about	Material
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2.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	2 No	2 Yes	2 No	2 No	2 No	<i>see Saudi Arabia 2.1.</i>
Letter sent in accordance with Art. 51 UNCh	2 no						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see Saudi Arabia 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Saudi Arabia 9</i>

690 Kuwait (Gulf Cooperation Council (GCC))

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<i>see Saudi Arabia 1.1.</i>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	2 No	2 Yes	2 No	2 No	2 No	<i>see Saudi Arabia 2.1.</i>
Letter sent in accordance with Art. 51 UNCh	2 no						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see Saudi Arabia 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Saudi Arabia 9</i>

663 Jordan (Gulf Cooperation Council (GCC))

	Code
Law invoked?	1 Yes

2 Source	Contestation about	Material

1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<i>see Saudi Arabia 1.1.</i>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

2.1 Justificatory claim	.2 Source of law	Contestation about					.7 validity	Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level			
1 self-defence	4 no spec.	2 No	2 Yes	2 No	2 No	2 No	<i>see Saudi Arabia 2.1.</i>	
Letter sent in accordance with Art. 51 UNCh	2 no							

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	1 approves	<i>see Saudi Arabia 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Saudi Arabia 9</i>

625 Sudan (Gulf Cooperation Council (GCC))

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<i>see Saudi Arabia 1.1.</i>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	2 No	2 Yes	2 No	2 No	2 No	<i>see Saudi Arabia 2.1.</i>
Letter sent in accordance with Art. 51 UNCh	2 no						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see Saudi Arabia 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Saudi Arabia 9</i>

651 Egypt (Gulf Cooperation Council (GCC))

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<p><i>see Saudi Arabia 1.1.</i></p> <p>### further Statement by Egypt: “President Abdel Fattah el-Sisi of Egypt said in a statement that the country’s navy and air force would join the campaign. The Egyptian Army, the largest in the Arab world, was ready to send ground troops ‘if necessary,’ Mr. Sisi said. Egypt must ‘fulfill the calls of the Yemeni people for the return of stability and the preservation of the Arab identity,’ he said, alluding to the specter of Iranian influence.” (Kirkpatrick, Egypt Says It May Send Troops to Yemen to Fight Houthis, NYT, 26.03.2015, https://www.nytimes.com/2015/03/27/world/middleeast/saudi-arabia-houthis-yemen.html (accessed on 25 September 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	2 No	2 Yes	2 No	2 No	2 No	<i>see Saudi Arabia 2.1.</i>
Letter sent in accordance with Art. 51 UNCh	2 no						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see Saudi Arabia 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Saudi Arabia 9</i>

600 Morocco (Gulf Cooperation Council (GCC))

Code	
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	1 Yes	2 No	2 No	2 No	<i>see Saudi Arabia 1.1.</i>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	2 No	2 Yes	2 No	2 No	2 No	<i>see Saudi Arabia 2.1.</i>
Letter sent in accordance with Art. 51 UNCh	2 no						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<i>see Saudi Arabia 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Saudi Arabia 9</i>

2 United States of America

	Code
Law invoked?	1 Yes

2 Source	Contestation about	Material

1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	2 No	2 No	2 No	2 No	<p>### The United States of America are claiming to act with the consent of the Government of Yemen. ###</p> <p>“On 12 October 2016, the United States conducted missile strikes on radar facilities in Houthi-controlled territory in Yemen. Initial assessments show that the radar facilities were destroyed by the strikes. These limited strikes were in response to anti-ship cruise missile launches perpetrated by Houthi insurgents that threatened United States Navy warships in the international waters of the Red Sea on 9 and 12 October. The targeted radar facilities were involved in the 9 October launches and other recent attacks. These limited and proportionate strikes were conducted to protect United States personnel and ships, and will preserve our freedom of navigation in this important maritime passageway. These actions were taken with the consent of the Government of Yemen. Although the United States therefore does not believe notification pursuant to Article 51 of the Charter of the United Nations is necessary in these circumstances, the United States nevertheless wishes to inform the Council that these actions were taken consistent with international law.” (UN S/2016/869, Letter dated 15 October 2016 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						
4. Invocation of use of force by a victim state	.1 Source	Material					
0	0						

5. Legitimacy Claim	Code	Material
5.1	4 defence against terrorism	<p>### The United States are fighting the Houthis in Yemen. In S/2016/869 (United States) the United States expressly indicated that it does not believe that notification pursuant to Article 51 UNCh is necessary in the particular circumstances. Therefore, the claim of "self-defence" is not raised, but the US is nevertheless bringing forward the legitimacy claim of defence against terrorists. ###</p> <p>"On 12 October 2016, the United States conducted missile strikes on radar facilities in Houthi-controlled territory in Yemen. Initial assessments show that the radar facilities were destroyed by the strikes. These limited strikes were in response to anti-ship cruise missile launches perpetrated by Houthi insurgents that threatened United States Navy warships in the international waters of the Red Sea on 9 and 12 October. The targeted radar facilities were involved in the 9 October launches and other recent attacks. These limited and proportionate strikes were conducted to protect United States personnel and ships, and will preserve our freedom of navigation in this important maritime passageway. These actions were taken with the consent of the Government of Yemen. Although the United States therefore does not believe notification pursuant to Article 51 of the Charter of the United Nations is necessary in these circumstances, the United States nevertheless wishes to inform the Council that these actions were taken consistent with international law." (S/2016/869, Letter dated 15 October 2016 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council)</p> <p>"In Yemen, we are supporting security forces that have reclaimed territory from AQAP." (United States, The White House, Speech by Barack Obama, Remarks by the President at the National Defence University, 23.05.2013, https://obamawhitehouse.archives.gov/the-press-office/2013/05/23/remarks-president-national-defense-university (accessed on 24 September 2022))</p>

	Code	Material
6. UNSC Reaction	5 no reaction	### The UNSC reacts to the conflict in general, but does not react to the actions taken by the United States ###
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	<p>### No reaction by other States except for Yemen and Great Britain regarding the US involvement in the conflict can be found ###</p> <p>Yemen: ### President Hadi is approving the actions taken by the United States ### "But President Abdu Rabbu Mansour Hadi endorsed the drone strike program last month during a visit to Washington, saying Yemen's Air Force could not mount attacks at night and praising the drones' accuracy as 'unmatched by the human brain'." ("Qaeda Leader Reported Dead in Yemen Attack", The New York Times, 18.10.2012, https://www.nytimes.com/2012/10/19/world/middleeast/yemen-drone-strike-al-qaeda.html (accessed on 24 September 2022))</p>

		<p>Great Britain: <i>### Great Britain is financially supporting the United States ###</i> "Britain announced Sunday that it and the United States would jointly finance a counterterrorism police unit in Yemen, news services reported." (Baker, "Obama Says AL Qaeda in Yemen Planned Bombing Plot, and He Vows Retribution", The New York Times, 02.01.2010, https://www.nytimes.com/2010/01/03/us/politics/03address.html (accessed on 24 September 2022))</p>
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72. South Sudan Civil War 2013-2018

Key data

Duration: 2013 – 2018; Parties: South Sudan, Uganda vs. Sudan People’s Liberation Movement in Opposition (SPLM/A-IO); Initiator: unclear: either a coup d'état by the Vice President of South Sudan or a staged coup d'état by the President of South Sudan in order to target the Vice President and other political opponents.

626 South Sudan

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		3 facts	4 interpretation	5. exceptional circumstances	6 abstr. gen. level	7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	2 maintenance of law and order	<p>“[We] are experiencing a period of complex internal conflict that is threatening large sections of our population. [...] I would like to assure the Council that the Government of South Sudan is doing as much as it can, under very difficult circumstances, to restore calm and stability to the affected areas in the country. [...] Today in his powerful press statement, [our president] called for an immediate end to violence, ethnic targeting and all illegal activities, and on Mr. Riek Machar and the forces supporting him to rise to the challenge of peace, unity and nation-building.” (South Sudan, S/PV.7091, 24t.12.2013, p. 3)</p> <p>“Col. Philip Aguer, a South Sudanese military spokesman, said rebel forces known as the White Army were 18 miles from Bor on Monday afternoon and had fought skirmishes with government troops on Sunday. He said the advance of the rebel forces had sent civilians fleeing across the White Nile by the hundreds as fighters burned homes in their path. In the battles that have gripped this young nation this month, Bor was briefly captured by rebels and then quickly retaken by the military, known as the Sudan People’s Liberation Army. “The S.P.L.A. is ready to defend the town and protect themselves,” Colonel Aguer said. [...]</p> <p>President Salva Kiir accused his former deputy, Riek Machar, of trying to mount a coup.” (Nicholas Kulish, "Uganda Issues a Warning over Fighting in South Sudan", The New York Times, 30.12.2013, https://www.nytimes.com/2013/12/31/world/africa/uganda-fighting-in-south-sudan.html (accessed on 16.09.2022))</p>

	Code	Material
6. UNSC Reaction	2 disapproves	<p>Security Council Resolution 2132 (24th December 2013), Preamble:</p> <p>“The Security Council, Expressing grave alarm and concern regarding the rapidly deteriorating security and humanitarian crisis in South Sudan resulting from the political dispute and subsequent violence caused by the country’s political leaders, [...] Condemning the fighting and targeted violence against civilians and specific ethnic and other communities occurring across the country that have resulted in hundreds of deaths and casualties and tens of thousands of internally displaced persons, [...]</p>

	<p>Further condemning reported human rights violations and abuses by all parties, including armed groups and national security forces, and emphasizing that those responsible for violations of international humanitarian law and international human rights law must be held accountable, [...]</p> <p>Determining that the situation in South Sudan continues to constitute a threat to international peace and security in the region, [...]</p> <p>Acting under Chapter VII of the Charter of the United Nations, [...]</p> <p>[§ 1] Calls for an immediate cessation of hostilities [...]”</p> <p>Statement by the President of the Security Council, S/PRST/2014/16 (8th August 2014): “The Security Council strongly condemns the repeated violations of the Cessation of Hostilities Agreement accepted and signed by the Republic of South Sudan and the SPLM/A (in Opposition) on January 23, 2014, and emphasizes that the actions of President Salva Kiir and former Vice President Riek Machar in continuing to pursue a military solution to this conflict are unacceptable.“</p> <p>SC Res. 2187, (25th November 2014): “[Preamble] stressing the responsibility borne by all parties to the conflict for the suffering of the people of South Sudan, [...]</p> <p>[§ 1] Reiterates its endorsement of the CoH [Cessation of Hostilities] Agreement accepted and signed by the Government of South Sudan and the SPLM/A (in Opposition) [...] calls for immediate and full implementation of the agreements by both parties, and expresses its intention to consider all appropriate measures, in consultation with relevant partners, including the IGAD and African Union, against those who take action that undermines the peace, stability, and security of South Sudan, including those who prevent the implementation of these agreements;”</p> <p>[§ 12]: Requests UNMISS to increase its presence and active patrolling in areas of high-risk of conflict, high concentrations of IDPs, including as guided by its early warning strategy, in both government and opposition-held areas</p> <p>[§ 19]: Further demands that all parties immediately cease all forms of violence [...]”</p> <p>Statement by the President of the Security Council, S/PRST/2014/26 (15th December 2014): “The Security Council recalls with deep alarm the escalation of the internal Sudan People’s Liberation Movement (SPLM) political dispute that erupted into conflict on December 15, 2013 and the subsequent violence caused by the country’s political and military leaders that has plunged this young nation into a <u>man-made</u> political, security and humanitarian catastrophe over this past year</p> <p>SC Resolution 2206, 3rd March 2015: “[Preamble] Expressing grave alarm and concern regarding the conflict between the Government of the Republic of South Sudan and opposition forces since December 2013 which emanated from internal political disputes among the country’s political and military leaders, [...]</p>
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		<p>Strongly condemning the Government of the Republic of South Sudan and the Sudan People’s Liberation Movement (SPLM) — in Opposition for failing to reach agreement to form a transitional government within the 60-day period outlined in the 26th Communiqué of 10 June 2014,</p> <p>[§ 2] Expresses deep concern at the failures of both parties to honour their commitments to date, to engage the peace process meaningfully toward political resolution of the crisis and to bring an end to the violence and, in particular, condemns the continued and flagrant violations of the CoH Agreements as documented by the IGAD Monitoring and Verification Mechanism;</p> <p>[§ 4] Reiterates that there is no military solution to the conflict;”</p> <p>SC Resolution 2206, 3rd March 2015: ### established a sanctions regime for South Sudan targeting individuals and entities that are: “responsible for or complicit in, or have engaged in, directly or indirectly, actions or policies that threaten the peace, security or stability of South Sudan” (§ 6). Given these activities, travel bans and Asset Freezes “shall apply to individuals who are leaders of any entity, including any South Sudanese government, opposition, militia, or other group” (§ 8). The sanctions targeted both government and as well as opposition leaders (but not the President nor the former Vice-President) (see for example: Security Council Press Release of 1 July 2015, SC/11958)</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p>Nigeria: “[The Federal Government of Nigeria] implores all sides to the conflict to exercise maximum restraint and seek a negotiated settlement to the political crisis in the interest of good governance, democracy, peace and stability of the country and the region.” (“Obama expressed concerns about South Sudan crisis”, News Ghana, 23.12.2013, https://newsghana.com.gh/obama-expresses-concerns-about-south-sudan-crisis/ (accessed on 16.09.2022))</p> <p>Kenya: “After the outbreak of South Sudan crisis of December 2013, Kenya still maintained its neutrality of lobbying both parties in South Sudan, the government of President Salva Kiir and the SPM-IO led by Riek Machar until when the ARCSS was signed in 2015. [...] Since then Kenya changed her policy towards South Sudan and in particular, its neutrality stand towards the warring parties. It seems that Kenya neutrality policy shift was more in favour of the government. For instance, Kenya started deporting senior members of the SPLM-IO who were seeking political asylum in the country. Cases in point are the January 2017 deportations to Juba of James Gatdet Dak,15 Dong Samuel Luak and Aggrey Idris all of whom are member of SPLM-IO. Upon arrival in Juba, this trio were imprisoned and only released shortly after the peace celebration in Juba which preceded the signing of the peace deal. The authority in Nairobi went as far as restricting activities of South Sudanese opposition in the country.” (Konrad Adenauer Stiftung, IGAD, Political Settlements and Peace building in South Sudan, 12.06.2017, p. 5, 6)</p> <p>African Union:</p>

	<p>"[§2] Council expressed deep concern at the prevailing situation in South Sudan, characterized by fighting in recent weeks and a serious humanitarian situation. Council strongly condemned all acts of violence in South Sudan and violations of international humanitarian law and human rights." (African Union, Peace and Security Council 494 Meeting, 24.03.2015)</p> <p>“Council reiterated the AU’s deep disappointment over the failure of the leaders of the belligerent parties in South Sudan to rise above personal and factional political interests and put the national interest and well-being of their people first. Council strongly condemned the resumption of hostilities in South Sudan and the untold suffering inflicted on the civilian population, in total disregard of International Humanitarian Law. Council stressed that these actions are wholly contrary to the expressed will of the AU, the Inter-Governmental Authority on Development (IGAD), the United Nations (UN) and the international community as a whole.</p> <p>Council underlined the particular relevance of its previous communiqués and press statements expressing its determination, in coordination with IGAD, to take the necessary measures against any party that fails to honor its commitments and continues to undermine the search for a negotiated solution [...].” (African Union, Peace and Security Council, 510 Meeting, 22.05.2015, Press Statement)</p> <p><i>### AU PSC Communiqués dated 5 December 2014 (https://www.peaceau.org/en/article/communique-of-the-peace-and-security-council-of-the-african-union-au-at-its-474th-meeting-on-the-situation-in-south-sudan) and 29 January 2015 (https://www.peaceau.org/en/article/communique-of-the-484th-meeting-of-the-psc-on-the-situation-in-south-sudan) which, inter alia, called upon all parties to recommit to an unconditional end to hostilities and stressed that sanctions will be imposed against all parties that continue to obstruct the political process and undermine the Cessation of Hostilities Agreement of 23 January 2014.</i></p> <p>United States:</p> <p>“Recent fighting threatens to plunge South Sudan back into the dark days of its past. But it doesn’t have to be that way. South Sudan has a choice. Its leaders can end the violence and work to resolve tensions peacefully and democratically. Fighting to settle political scores or to destabilize the government must stop immediately. Inflammatory rhetoric and targeted violence must cease. All sides must listen to the wise counsel of their neighbors, commit to dialogue and take immediate steps to urge calm and support reconciliation. South Sudan’s leaders must recognize that compromise with one’s political enemy is difficult; but recovering from unchecked violence and unleashed hatred will prove much harder.” (“Obama expressed concerns about South Sudan crisis”, News Ghana, 23.12.2013, https://newsghana.com.gh/obama-expresses-concerns-about-south-sudan-crisis/ [accessed on 16.09.2022] and Obama sends message of peace to South Sudan, VOA News, 24 December 2013, https://www.voanews.com/africa/obama-sends-message-peace-south-sudan (accessed on 16.09.2022))</p> <p>“What we have said is there is no place for violence here and the sides need to take a step back and move towards a mediated negotiated political dialogue,”, [said US State Department spokeswoman Marie Harf]. (“Uganda says region ready to take on,</p>
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	<p>defeat South Sudan leader", Reuters, 30.12.2013, https://www.reuters.com/article/us-southsudan-unrest/uganda-says-region-ready-to-take-on-defeat-south-sudan-rebel-leader-idUSBRE9BT0A920131230 (accessed on 16.09.2022))</p> <p>Albania, Austria, Belgium, Canada, Croatia, Czechia, Denmark, Finland, Germany, Ireland, Italy, Latvia, Lithuania, Luxembourg, Norway, Paraguay, Poland, Romania, Slovakia, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America:</p> <p>"[Preamble] Condemning in the strongest terms the violence that broke out between the Government and the armed opposition in early July 2016, and the Government's military pursuit of former Vice-President Riek Machar out of South Sudan in early August 2016" (A/HRC/S-26/L.1, 13.12.2016, HRC Draft Resolution on Situation of human rights in South Sudan)</p> <p>State delegations at HRC:</p> <p>"[§ 19] Many delegations noted with concern that fighting had been persisting for many months and that serious human rights abuses and violations, and violations of international humanitarian law, continued to be committed by both parties to the conflict. They condemned the violations and atrocities against civilians, noting that some may amount to war crimes or crimes against humanity. They also called on the parties to the conflict to immediately cease fighting and all forms of violence, and appealed to the leaders concerned to ensure that their forces would not commit human rights abuses or violations of international humanitarian law or other international crimes." (A/HRC/28/53, 08.01.2015, Human Rights Council, Panel discussion on the human rights situation in South Sudan)</p> <p>Ethiopia on behalf of the IGAD (Intergovernmental Authority on Development: Ethiopia, Djibouti, Eritrea, Kenya, Somalia, Sudan, South Sudan, Uganda):</p> <p>"My colleagues, the Leaders of the IGAD Member States, and myself, were hopeful that this signaled the nearing of the end of the terrible tragedy that has befallen South Sudan since December 15th, 2013. [...] The consequences of inaction are [...] the prolonging of a senseless war in your country. This is unacceptable, both morally and politically. [...] Leadership is never easy, but continuing a war flagrantly disregards the interests of you, the people. It is an abdication of the most sacred duty leaders have to you, their people: to deliver peace, prosperity and stability. Both President Kiir and Dr. Riek Machar have assured the Leaders of the IGAD Member States that they are committed to peace. At the same time, there are individuals on both sides who continue to beat the drums of war. This cannot be right. There can be no justification for the continuation of this conflict. The war must end now. " (Message From H.E. Hailemariam Dessalegn, Prime Minister of the Federal Democratic Republic of Ethiopia and Chairperson of the IGAD Assembly to the People of South Sudan)</p> <p>IGAD:</p> <p>"[§ 4] Concerned by the unfortunate events that took place on the 15th of December 2013 and the subsequent escalation of the conflict and deterioration of the humanitarian situation; [§ 7] Condemns all unconstitutional actions to challenge the constitutional order, democracy and the rule of law and in particularly condemns changing the democratic government of the Republic of South Sudan through use of force, [§ 8] Further Condemns the violent</p>
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	<p>escalation of conflict in South Sudan and calls on all parties to refrain from steps that will inflame the conflict further particularly along ethnic and sectarian lines and particularly strongly condemns the bankrupt and opportunistic ideology of ethnic and religious sectarianism, [§ 11]: Commends the expressed commitment of both sides to engage in dialogue and reiterates the imperative of an immediate pursuit of a political solution including an all-inclusive dialogue among all stakeholders concerned;" (Communique of the 23rd Extraordinary Session of the IGAD, On the Situation of South Sudan, 27.12.2013)</p> <p>Organisation of the Islamic Conference: "The OIC General Secretariat condemned the attempted coup which took place yesterday morning in the Republic of Southern Sudan". It stressed its support to the Government in Southern Sudan to achieve security, stability and development in this country." ("OIC condemns S. Sudan attempted coup", Kuwait News Agency, 18.12.2013, https://www.kuna.net.kw/ArticleDetails.aspx?id=2351025&language=en (accessed on 16.09.2022))</p>
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500 Uganda

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	2 No	2 No	2 No	2 No	<p>### Government statements, reproduced in Newspaper Articles: "Describing South Sudan as 'our brotherly country', the President said he had initially deployed a small force to guard Juba airport in agreement with President Salva Kiir and other leaders, but added that he was considering deploying more troops." ("Museveni wants MPs to bless South Sudan deployment", Daily Monitor, 11.01.2014,</p>

						<p>https://www.monitor.co.ug/uganda/news/national/museveni-wants-mps-to-bless-south-sudan-deployment-1562826 (accessed on 16 September 2022))</p> <p>[Uganda’s President Museveni explaining the reasons for the deployments]: “I have, therefore, decided to deploy, initially, a small force to guard Juba airport, with the agreement of H.E. Salva Kiir, as well as other elements.” (“Museveni wants House recalled over South Sudan”, New Vision, 10.01.2014 (https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewjLiMb8oMXyAhWUuaQKHWMIbHUQFnoECAYQAQ&url=https%3A%2F%2Fwww.parliament.go.ug%2Fcmis%2Fbrowser%3Fid%3D57781778-ff38-4bd0-a265-7a566f33c0ae%253B1.0&usg=AOvVaw3lq7KQL592MkU82DW54vv1 (accessed 16 September 2022)))</p> <p>“Ugandan soldiers have been deployed in South Sudan's capital Juba following a request by the country's government to help secure the city, Uganda's government-owned New Vision newspaper reported Friday. The paper said the first batch of special forces soldiers had helped to secure the airport and assisted in the evacuation of Ugandan nationals from Juba, the scene of a week of fierce clashes between rival South Sudanese army units.” (“Ugandan troops deployed in South Sudan capital report”, The Daily Star, 20.12.2013, http://dailystar.com.lb/News/Middle-East/2013/Dec-20/241787-ugandan-troops-deployed-in-south-sudan-capital-report.ashx (accessed on 16.09.2022))</p> <p>“The report stated that ‘Ugandan soldiers have been deployed in the South Sudan's capital Juba following a request by the country's government to help secure the city.’” (“Ugandan troops deployed in South Sudan Capital: report”, The East African, 20.12.2013, http://www.theeastafrican.co.ke/news/Ugandan-troops-deployed-in-South-Sudan-capital/-/2558/2119918/-/1m4vhh/-/index.html (accessed on 16 September 2022))</p> <p>“Subsequent upon the initial deployment of the reinforced company and in recognition of the evolving situation and in response to the request from the legitimate authority in South Sudan, a task force has now been deployed.” (“Gen Jeje Odongo faces MPs on South Sudan”, The Observer, 12.01.2014, https://www.observer.ug/news-headlines/29586-gen-jeje-odongo-faces-mps-on-south-sudan (accessed on 16 September 2022), reproducing statement by the Ugandan Minister of State for Defence Gen Jeje Odongo to the Ugandan Parliament)</p> <p>“During the debate, the Rt. Hon. Prime Minister [of Uganda] said; ‘Uganda was invited by the Government of the Republic of South Sudan to deploy UPDF in South Sudan. Uganda responded positively and an agreement has been signed between the Minister of Defence, as the law</p>
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						<p>commands, and the Government of South Sudan. A copy of the agreement is here. The content of that agreement is as in all status of forces agreements all over the world; they cover basic things". (Statement by the Leader of the Opposition in [Uganda's] Parliament on the UPDF Deployment [deployment of Ugandan forces] in South Sudan and the Status of Forces Agreement, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKewj_kITjo8XyAhUDLOWKHekgA2gQFnoECAkQAQ&url=https%3A%2F%2Fwww.parliament.go.ug%2Fcmis%2Fbrowser%3Fid%3D5587b264-5199-49ed-988b-b128c446c166%253B1.0&usg=AOvVaw1JxUiGheVMexTulxUJA9d2 (accessed on 16.09.2022))</p> <p>"He [Gen Katumba, Chief of Ugandan Defence Forces] said negotiations were ongoing to sign a "status of force" agreement with the South Sudan government to formally clarify the authority under which the UPDF was deployed. He was responding to a question by MP Muwanga Kivumbi (Butamba County, DP) on whether the South Sudan government had authorised the deployment." ("MPs turn on each other over UPDF mission in South Sudan", Daily Monitor, 12.01.2014 (http://www.monitor.co.ug/News/National/MPs-turn-on-each-other-over-UPDF-mission-in-South-Sudan/-/688334/2142634/-/10d4lix/-/index.html (accessed on 16 September 2022))</p> <p>"Without stating the number of troops, Uganda Peoples Defence Forces spokesman Lt Col Paddy Ankunda told The EastAfrican, on Friday, that a small force had been dispatched to facilitate the evacuation of Ugandans, some of whom are injured. 'It has been deployed with full authorisation of the South Sudan government,' he said, but declined to say how long the force will remain in South Sudan, nor whether more troops would be sent. There are reports that the UPDF soldiers will be deployed until the political chaos in South Sudan ends." ("Uganda now steps in, sends troops to South Sudan", The East African, 21.12.2013, https://reliefweb.int/report/south-sudan-republic/uganda-now-steps-sends-troops-south-sudan (accessed on 16 September 2022))</p> <p>"The Minister was tasked to provide the letter from President Salva Kiir [President of South Sudan] proving that Uganda was invited to deploy in South Sudan by the Government of South Sudan. He didn't provide the purported letter and has never returned to the Committee. The letter did not exist unless government can lay it on table here." (Statement by the Leader of the Opposition in [Uganda's] Parliament on the UPDF Deployment [deployment of Ugandan forces] in South Sudan and the Status of Forces Agreement, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKewj_kITjo8XyAhUDLOWKHekgA2gQFnoECAkQAQ&url=https%3A%2F%2Fwww.parliament.go.ug%2Fcmis%2Fbrowser%3Fid%3D5587b264-5199-49ed-988b-b128c446c166%253B1.0&usg=AOvVaw1JxUiGheVMexTulxUJA9d2 (accessed on 16.09.2022))</p>
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						<p>b128c446c166%253B1.0&usg=AOvVaw1JxUiGheVMexTulxUJA9d2 (accessed on 16 September 2022))</p> <p>“When questions began to be asked on the legal framework under which Ugandan troops were operating in South Sudan, the government of Uganda concluded a Status of Forces Agreement (SoFA) with the government of South Sudan, allowing the UPDF to operate on South Sudanese territory. (Status of Forces Agreement between the Government of the Republic of Uganda and the Government of the Republic of South Sudan, 10 January 2014). [...] Note that the agreement was signed well after Ugandan troops had been deployed in South Sudan. This would mean that between the time of the troop deployment and when the agreement was signed, the Ugandan troops were operating in South Sudan illegally.” (Kasaija Apuuli, Explaining the (il)legality of Uganda’s intervention in the current South Sudan conflict, African Security Review 23, 2014, Issue 4, pages 352-369, p. 356, footnote 45)</p> <p>“Uganda justified her intervention by maintaining that the South Sudan government had requested for support and as a gesture to strengthen the diplomatic and bilateral relations between the two countries, Uganda offered to help a neighbour in need.” (Konrad Adenauer Stiftung, IGAD, Political Settlements and Peace building in South Sudan, 12.06.2017, p. 6)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
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5.1	3 maintenance of regional stability	<p>"In a December 24, 2013 letter, the President [of Uganda] told Ms Kadaga [the Speaker of the Ugandan House of Parliament] that given the importance of South Sudan to peace in northern Uganda, DRC and CAR, 'Uganda cannot and should not stand aloof and watch the situation deteriorating'. [...] He said the deployments were to ensure regional security, protect the thriving trade with South Sudan and rescue trapped Ugandans and constitutionalism in South Sudan. 'I am therefore writing to you to request you call Parliament to approve my actions as provided for by the UPDF Act. The mission for the deployment is for both peacekeeping but if necessary for peace enforcement,' Mr Museveni [the Ugandan President] said." (Yasiin Mugerwa, "Museveni wants MPs to bless South Sudan deployment", Daily Monitor, 11.01.2014, https://www.monitor.co.ug/uganda/news/national/museveni-wants-mps-to-bless-south-sudan-deployment-1562826 (accessed on 16 September 2022))</p> <p>"[The President of Uganda] said the deployments were to ensure regional security, protect the thriving trade with South Sudan and rescue trapped Ugandans and constitutionalism in South Sudan" (Yasiin Mugerwa, "Museveni wants MPs to bless South Sudan deployment", Daily Monitor, 11.01.2014, https://www.monitor.co.ug/uganda/news/national/museveni-wants-mps-to-bless-south-sudan-deployment-1562826 (accessed on 16 September 2022))</p> <p><i>### Uganda's President Museveni explaining the reasons for the deployments:</i></p> <p>"Given the importance of South Sudan for the peace in Northern Uganda, DRC and CAR, Uganda cannot and should not stand aloof and watch the situation deteriorating. [...] The reason for these deployments are: regional security, [...]" ("Museveni wants House recalled over South Sudan", New Vision, 10.01.2014, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjLiMb8oMXyAhWUuaQKHWMIBHUQFnoECA YQAQ&url=https%3A%2F%2Fwww.parliament.go.ug%2Fcmis%2Fbrowser%3Fid%3D57781778-ff38-4bd0-a265-7a566f33c0ae%253B1.0&usg=AOvVaw3lq7KQL592MkU82DW54vv1 (accessed on 16 September 2022))</p> <p><i>### statement by the Ugandan Minister of State for Defence Gen Jeje Odongo to the Ugandan Parliament:</i></p> <p>"South Sudan is a vital trade partner of Uganda. In the three or so weeks of disturbances in South Sudan, Uganda has lost significantly in volume of trade. This is not to mention the teachers, doctors, etc, who have lost means of livelihood. Goods in our nascent factories are piling up in stores because they cannot be taken to South Sudan because of the security situation. Collapse of authority in South Sudan is tantamount to an invitation of LRA [Lord's Resistance Army] back to our northern border. Further, our strategic depth imperative occasioned by our small size necessitates that we should prevent situations on our territory. Rather, they should be dealt with as far away from our border as possible. That is the best way we can secure our country. Is it surprising to you, therefore, that USA is deploying in Afghanistan and Iraq, so many kilometers from their border? Or that France deployed in Mali and CAR? These are known phenomena. The refugees from South Sudan have attempted to enter our country with weapons. Further, they are presenting another security challenge in that different ethnic communities do not want to be accommodated in the same camp. The Dinkas, Nuers and others want to be alone." (Gen Jeje Odongo faces MPs on South Sudan, 12.01.2014, The Observer, https://www.observer.ug/news-headlines/29586-gen-jeje-odongo-faces-mps-on-south-sudan (accessed on 16 September 2022))</p>
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5.2	5 humanitarian	<p>“Just imagine what the situation would have been were there no steady hand to prevent genocide. Or do we want tourists to visit skulls of genocide victims in Rwanda then eventually cross over to visit another set of skulls of genocide in South Sudan?” (“Gen Jeje Odongo faces MPs on South Sudan”, 12.01.2014, The Observer, https://www.observer.ug/news-headlines/29586-gen-jeje-odongo-faces-mps-on-south-sudan (accessed on 16.09.2022) [reproducing statement by the Ugandan Minister of State for Defence Gen Jeje Odongo to the Ugandan Parliament])</p>
5.3	9 rescue of nationals abroad	<p>“The Summit received a briefing from the President of the Republic of Uganda on his country’s efforts in securing critical infrastructure and installations in the Republic of South Sudan as well as in evacuating its citizens” (Communique of the 23rd Extraordinary Session of the IGAD, On the Situation of South Sudan, 27th of December 2013, p. 2)</p> <p>“The lives and property of these Ugandans [living in South Sudan] were at the stake following this violence. It became imperative that lives and property of these Ugandans be secured. In accordance with section 15(2) of the Defence Forces Act, His Excellency and commander-in-chief in consultation with the high command, deployed a reinforced company to Juba to protect the airport and other vital strategic installations so as to enable the evacuation of Ugandans and other nationals whose lives were in danger. [...] Following this deployment, Ugandans have been rescued and evacuated from Juba, Bor and Bentiu (through Hegli). Other nationals have also been rescued and evacuated. These include: Kenyans, Ethiopians, Eritreans and Chinese.</p> <p>According to information now available, there are still Ugandans to be evacuated from various places and I think in the interest of Ugandans and other people, we may not disclose where they are, but we know they are there.” (“Gen Jeje Odongo faces MPs on South Sudan”, 12.01.2014, The Observer, https://www.observer.ug/news-headlines/29586-gen-jeje-odongo-faces-mps-on-south-sudan (accessed on 16.09.2022) [reproducing statement by the Ugandan Minister of State for Defence Gen Jeje Odongo to the Ugandan Parliament])</p> <p>“[The President of Uganda] said the deployments were to ensure regional security, protect the thriving trade with South Sudan and rescue trapped Ugandans and constitutionalism in South Sudan” (Yasiin Mugerwa, "Museveni wants MPs to bless South Sudan deployment", Daily Monitor, 11.01.2014, https://www.monitor.co.ug/uganda/news/national/museveni-wants-mps-to-bless-south-sudan-deployment-1562826 (accessed on 16 September 2022))</p> <p>“The reason for these deployments are: regional security, the need to protect thriving trade with South Sudan, rescue trapped Ugandans and constitutionalism in South Sudan’ [Edit by New Vision: “coup detats are proscribed thy the African Union.”] (“Museveni wants House recalled over South Sudan”, New Vision, 10.01.2014, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjLiMb8oMXyAhWUuaQKHWMIBHUQFnoECA YQAQ&url=https%3A%2F%2Fwww.parliament.go.ug%2Fcmis%2Fbrowser%3Fid%3D57781778-ff38-4bd0-a265-7a566f33c0ae%253B1.0&usg=AOvVaw3lq7KQL592MkU82DW54v1 (accessed on 16.09.2022) [Uganda’s President Museveni explaining the reasons for the deployments])</p> <p>“Uganda's government-owned New Vision newspaper said the first batch of special forces soldiers had helped to secure the airport and assisted in the evacuation of Ugandan nationals from Juba, the scene of a week of fierce clashes between rival South Sudanese army units.” (“Ugandan troops deployed in South Sudan capital report”, 20.122013, The Daily Star,</p>

		<p>http://dailystar.com.lb/News/Middle-East/2013/Dec-20/241787-ugandan-troops-deployed-in-south-sudan-capital-report.ashx (accessed on 16 September 2022))</p> <p>“But government has insisted that it deployed in Juba to help evacuate Ugandan nationals trapped in the conflict.” (“Kadaga recalls Parliament over South Sudan UPDF deployment”, Red Pepper, 10.01.2014, http://www.redpepper.co.ug/kadaga-recalls-parliament-over-updf-south-sudan-deployment/ (accessed on 16 September 2022))</p> <p>“Appearing before the defence and internal affairs committee on Friday, senior defence chiefs explained that the forces were deployed to protect vital installations such as the airport and Ugandan embassy and not to guard oil wells as some MPs [Members of Parliament] alleged.” (“Parliament expected to endorse Juba deployment”, New Vision, 13.01.2014, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjB6OPDpcXyAhVRNuWkHe3ZBnUQFnoECAIQAQ&url=https%3A%2F%2Fwww.parliament.go.ug%2Fcmis%2Fbrowser%3Fid%3D98070ec6-ec91-4e3e-9ad5-6e9c5182c714%253B1.0&usg=AOvVaw1CVSzoDfSttxkCSM3EDxxU (accessed on 16 September 2022))</p> <p>“According to a senior officer of the Uganda Peoples’ Defence Force (UPDF), on 20 December 2013 Uganda deployed a company of soldiers to South Sudan to secure the evacuation of Ugandan citizens from the country.” (Interview with a Senior UPDF Officer, Kampala, 20 December 2013, reproduced in Kasajja Apuuli, Explaining the (il)legality of Uganda’s intervention in the current South Sudan conflict, African Security Review 23, 2014, Issue 4, pp. 352-369, p. 352 (footnote 2))</p> <p>”[p. 356] in the immediate aftermath of the outbreak of fighting in Juba, Uganda deployed a company of the UPDF to secure Juba International Airport to enable foreigners to evacuate from South Sudan. [...] [p.358] Other government officials such as Kiyonga who, while addressing Parliament, stated: ‘we are in South Sudan to evacuate our citizens’ This followed Minister of State for Defence Jeje Odongo's presentation to the Parliament Committee on Defence where he stated that ‘following the [UPDF] deployment, Ugandans have been rescued and evacuated from Juba, Bor and Bentiu’. He added, ‘other nationals who have been rescued and evacuated include: Kenyans, Ethiopians, Eritreans and Chinese’. However, he did not state whether these other nationals had been rescued by the UPDF. According to Uganda's Chief of Defence Forces (CDF), General Katumba Wamala, as of 14 January 2014 ‘at least 30,000 Ugandans had been rescued from South Sudan since the UPDF deployed there’. (Kasajja Apuuli, Explaining the (il)legality of Uganda’s intervention in the current South Sudan conflict, African Security Review 23, 2014, Issue 4, pp. 352-369)</p>
5.4	7 enforcing a specific political system	<p>“The reason for these deployments are: regional security, the need to protect thriving trade with South Sudan, rescue trapped Ugandans and constitutionalism in South Sudan’ [Edit by New Vision: “coup detats are proscribed thy the African Union.”] (“Museveni wants House recalled over South Sudan”, New Vision, 10.01.2014, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjLiMb8oMXyAhWUuaQKHWMIBHUQFnoECA YQAQ&url=https%3A%2F%2Fwww.parliament.go.ug%2Fcmis%2Fbrowser%3Fid%3D57781778-ff38-4bd0-a265-7a566f33c0ae%253B1.0&usg=AOvVaw3lq7KQL592MkU82DW54vv1 (accessed on 16 September 2022))</p>

		<p>“[The President of Uganda] said the deployments were to ensure regional security, protect the thriving trade with South Sudan and rescue trapped Ugandans and constitutionalism in South Sudan” (Yasiin Mugerwa, "Museveni wants MPs to bless South Sudan deployment", Daily Monitor, 11.01.2014, https://www.monitor.co.ug/uganda/news/national/museveni-wants-mps-to-bless-south-sudan-deployment-1562826 (accessed on 16 September 2022))</p> <p>“The African Union [AU] Constitutive Act prescribes constitutional change of government. As I have already mentioned there was an attempted coup on 15 December 2013. It is incumbent upon Uganda as a member of AU to ensure non- unconstitutional changes of government. Tanzania has done the same in Seychelles and the Comoros.</p> <p>Africa stood by as the government in Central African Republic [CAR] was changed unconstitutionally. We are now all witnesses to the mayhem and humanitarian catastrophe in that country. Africa and the world are now being asked, at a very high price, to do something about the situation in CAR.” (“Gen Jeje Odongo faces MPs on South Sudan”, The Observer, 12.01.2014, https://www.observer.ug/news-headlines/29586-gen-jeje-odongo-faces-mps-on-south-sudan (accessed on 16 September 2022) [reproducing statement by the Ugandan Minister of State for Defence Gen Jeje Odongo to the Ugandan Parliament])</p> <p>“Odongo [Ugandan Minister of State for Defence] said Uganda as a member of the AU would ensure that there are no non-constitutional changes of government in South Sudan.” (“Parliament expected to endorse Juba deployment”, New Vision, 13.01.2014, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjB6OPDpcXyAhVRNuwKHe3ZBnUQFnoECAIQAQ&url=https%3A%2F%2Fwww.parliament.go.ug%2Fcmis%2Fbrowser%3Fid%3D98070ec6-ec91-4e3e-9ad5-6e9c5182c714%253B1.0&usg=AOvVaw1CVSzoDfSttxkCSM3EDxxU (accessed on 16 September 2022))</p>
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	Code	Material
<p>6. UNSC Reaction</p>	<p>2 disapproves</p>	<p>SC Res. 2187, 25 November 2014, Preamble: “calling for the redeployment and/or progressive withdrawal of armed groups and allied forces invited by either side, consistent with the 23 January 2014 Cessation of Hostilities Agreement, and warning of the serious consequences that could result from any regionalization of the conflict,”</p> <p>SC Resolution 2206, 3 March 2015: “[§ 3] Demands that the parties respect all aspects of the CoH Agreements and immediately implement the necessary modalities in accordance with the 9 May 2014 Agreement and other relevant Agreements, including the progressive withdrawal of foreign forces deployed in South Sudan since 15 December 2013.” [§ 12] Decides that, for an initial period of one year from the date of adoption of this resolution, all Member States shall freeze without delay all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by any individuals or entities that may be designated by the Committee, or by any individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and decides further that all Member States shall for</p>

		<p>this initial period ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, by their nationals or by persons within their territory."</p> <p>SC Resolution 2223, 28 May 2015, Preamble: "reiterating its call for the redeployment and/or progressive withdrawal of armed groups and allied forces invited by either side, consistent with the 23 January 2014 Cessation of Hostilities Agreement, and warning of the serious consequences that could result from any regionalization of the conflict"</p> <p>SC Resolution 2304, 12 August 2016; § 1: "Demands that all parties immediately end the fighting throughout South Sudan [...]"</p> <p>SC Resolution 2428, 13 July 2018, § 4 (arms embargo): [A]ll Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the territory of South Sudan from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned; and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Ethiopia: "Earlier, a spokesman of Ethiopia's Prime Minister intimated that Ugandan troops engaging in combat in South Sudan would be 'absolutely unwarranted'." ("Uganda leader says helping South Sudan fight rebels", Reuters, 15.01.2014, https://www.reuters.com/article/uk-southsudan-unrest/uganda-leader-says-helping-south-sudan-fight-rebels-idUKBREA0E18E20140115 (accessed on 16.09.2022))</p> <p>"The Ethiopian government views itself as a regional hegemon and is upset at the presence of Uganda's army in South Sudan and needs a peace agreement to get the UPDF to leave." (Small Arms Survey, A Fractious Rebellion: Inside the SPLM-IO, Geneva 2015, p. 55)</p> <p>Kenya: "Like Ethiopia, Kenya is not happy with the presence of the UPDF in South Sudan and the country becoming a client state of Kampala [capital of Uganda]." (Small Arms Survey, A Fractious Rebellion: Inside the SPLM-IO, Geneva 2015, p. 56)</p>

	<p>IGAD: "[§ 13] [The Summit] Commends the effort of the Republic of Uganda in securing critical infrastructure and installations in South Sudan and pledges its support to these effort" (Communique of the 23rd Extraordinary Session of the IGAD, On the Situation of South Sudan, 27.12.2013)</p> <p>Uganda parliamentary opposition: "On Tuesday, Uganda's parliament retrospectively endorsed Museveni's troop deployment although opposition legislators criticised it as unwarranted interference in South Sudanese internal politics. They demanded that the mission should be restricted to rescuing Ugandans and have a specific timeframe." (Reuters, Uganda leader says helping South Sudan fight rebels, 15.01.2014 (https://www.reuters.com/article/uk-southsudan-unrest/uganda-leader-says-helping-south-sudan-fight-rebels-idUKBREAOE18E20140115))</p>
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SPLM/ A – IO (Sudan People's Liberation Movement in Opposition)

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	2 disapproves	<i>See Statement by the President of the Security Council, S/PRST/2014/16 (8th August 2014); SC Resolution 2187, (25th November 2014), § 19; Statement by the President of the Security Council, S/PRST/2014/26 (15th December 2014); SC Resolution 2206, 3rd March 2015 and SC Resolution 2304 (12 August 2016), Preamble above.</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p>Sudan: “Through the Office of its Chair, SPLM/A in Opposition has also continuously sought to procure and obtain arms from numerous sources, albeit with comparatively limited success. The Panel has, however, confirmed that SPLM/A in Opposition has received ammunition and, to a lesser extent, arms, as well as other items such as uniforms, from the Sudan.” (S/2016/70, Final Report of the Panel of Experts on South Sudan, 22.01.2016, p. 3)</p> <p>“Sudan [came] to the assistance of the SPLM-IO [...] Khartoum [capital of the Sudan] remains their bedrock [SPLM-IO] because it is the only country known to provide the IO with military support and rear bases, but its relationship with the IO is largely tactical. [...] However, Khartoum does not want its support for the IO to be highlighted because critics would be quick to contend that it is using the IO as a means to reassert its control over South Sudan. While the former SSDF officers had a long</p>

	<p>relationship with SAF, relations with the IO are now handled by the National Intelligence and Security Service.” (Small Arms Survey, A Fractious Rebellion: Inside the SPLM-IO, Geneva 2015, p. 53)</p> <p>Ethiopia: “Nonetheless, the Ethiopian government has worked closely with the post-secession SPLA on security along their shared and frequently turbulent border. At the same time, Addis Ababa [capital of Ethiopia] wants to keep relations with the SPLM-IO on a balanced footing because angering the rebels could cause problems in its relations with the Nuer in the crisis-prone region of Gambella where they constitute a majority. [...] Juba government supporters in turn claim that Ethiopia is assisting the SPLM-IO, although there is no evidence to support that allegation. Meanwhile, there are periodic allegations that the IO is receiving weaponry from Eritrea, but there is no concrete evidence of that, either.” (Small Arms Survey, A Fractious Rebellion: Inside the SPLM-IO, Geneva 2015, p. 55)</p> <p>The Gambia: “In a statement issued on Saturday and read on state television by the Secretary General and Head of the Civil Service and minister of Presidential Affairs, Momodou Sabally, the Gambia government said the attempted overthrow of the newly-established government in South Sudan is indeed unacceptable, and the protagonists in this attempt should desist from destabilising that country. The African Union, it said, has striven hard to help stabilise the situation in this region, ‘and we will not allow the efforts expended in this direction to be nullified by such unwarranted upheavals’. ‘We urge the parties involved to exercise restraint, and to pay heed to the plight of the millions of people whose lives are at stake in this area. As the African Union celebrates its 50th anniversary, we need to consolidate the gains attained in ending the conflicts on the continent, rather than create fresh conflicts,’ the statement said.” [...] [The Gambia] stated that as per the principles of the AU, The Gambia will not recognise any government that comes to power by the use of force: ‘Therefore, The Gambia, as current Chair of the AU Peace and Security Council, will stand firm by the principles and convictions of the AU to make sure that there is no compromise in respecting the legitimate mandates of sitting governments,’ the statement concluded.” (“Gambia condemns violence in South Sudan”, CAR, The Point, 23.12.2013, https://thepoint.gm/africa/gambia/article/gambia-condemns-violence-in-south-sudan-car (accessed on 16 September 2022))</p> <p>Nigeria: “The Federal Government on Friday, condemned the attempted coup in South Sudan, as well as the consequent crisis that has so far claimed lives and properties in the country. It said the government received with concern, news of the political upheavals in South Sudan, following an attempted coup last Sunday. In a statement, the Ministry of Foreign Affairs noted that information at its disposal revealed that some members of the armed forces of the Republic of South Sudan attempted to effect a regime change in the Africa’s newest nation on the said day via a military putsch.</p>
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	<p>‘Information further reveals that government forces were able to beat back the rebels.’ (“FG condemns coup in South Sudan”, Nigerian Tribune, 21.12.2013, https://web.archive.org/web/20131224112601/http://tribune.com.ng/news2013/index.php/en/news/news-headlines/item/29061-fg-condemns-coup-in-south-sudan.html (accessed on 16 September 2022))</p> <p>“In a statement by the Ministry of Foreign Affairs, the Federal Government of Nigeria urged parties in the crisis to embrace peace by seeking a political solution.[...] The Federal Government of Nigeria strongly condemns the attempted coup, and the consequent crisis that has claimed lives and property. It, therefore, implores all sides to the conflict to exercise maximum restraint and seek a negotiated settlement to the political crisis in the interest of good governance, democracy, peace and stability of the country and the region, the statement added.” (“Obama expressed concerns about South Sudan crisis”, News Ghana, 23 December 2013, https://newsghana.com.gh/obama-expresses-concerns-about-south-sudan-crisis/ (accessed on 16 September 2022))</p> <p>South Africa:</p> <p>“After the fighting spread, South African government spokesman, Clayson Monyela, condemned the coup attempt stating ‘South Africa firmly believes that respect for democracy and human rights are essential to the governance of all African countries and that all violent means to overthrow legitimate governments must be rejected...It is therefore highly unfortunate that an attempt was allegedly made to undermine the stability of the country.’” (“Government condemns South Sudan coup”, News24, 19 December 2013, https://www.news24.com/News24/Government-condemns-South-Sudan-coup-20131218 (accessed on 16.09.2022))</p> <p>United States:</p> <p>“Recent fighting threatens to plunge South Sudan back into the dark days of its past. But it doesn’t have to be that way. South Sudan has a choice. Its leaders can end the violence and work to resolve tensions peacefully and democratically. Fighting to settle political scores or to destabilize the government must stop immediately. Inflammatory rhetoric and targeted violence must cease. All sides must listen to the wise counsel of their neighbors, commit to dialogue and take immediate steps to urge calm and support reconciliation. South Sudan’s leaders must recognize that compromise with one’s political enemy is difficult; but recovering from unchecked violence and unleashed hatred will prove much harder.” (“Obama expressed concerns about South Sudan crisis”, News Ghana, 23.12.2013, https://newsghana.com.gh/obama-expresses-concerns-about-south-sudan-crisis/ (accessed on 16 September 2022) and VOA News, Obama sends message of peace to South Sudan, 24.12.2013 (https://www.voanews.com/africa/obama-sends-message-peace-south-sudan))</p> <p>“What we have said is there is no place for violence here and the sides need to take a step back and move towards a mediated negotiated political dialogue,”, [said US State Department spokeswoman Marie Harf]. (“Uganda says region ready to take on, defeat South Sudan leader”, Reuters, 30.12.2013, https://www.reuters.com/article/us-southsudan-unrest/uganda-says-region-ready-to-take-on-defeat-south-sudan-rebel-leader-idUSBRE9BT0A920131230 (accessed on 16.09.2022))</p>
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	<p>IGAD: “[§ 4] Concerned by the unfortunate events that took place on the 15th of December 2013 and the subsequent escalation of the conflict and deterioration of the humanitarian situation; [§ 7] Condemns all unconstitutional actions to challenge the constitutional order, democracy and the rule of law and in particular condemns changing the democratic government of the Republic of South Sudan through use of force, [§ 8] Further Condemns the violent escalation of conflict in South Sudan and calls on all parties to refrain from steps that will inflame the conflict further particularly along ethnic and sectarian lines and particularly strongly condemns the bankrupt and opportunistic ideology of ethnic and religious sectarianism, [§ 11]: Commends the expressed commitment of both sides to engage in dialogue and reiterates the imperative of an immediate pursuit of a political solution including an all inclusive dialogue among all stakeholders concerned;” (Communique of the 23rd Extraordinary Session of the IGAD, On the Situation of South Sudan, 27.12.2013)</p> <p>Organisation of the Islamic Conference: <i>### The OIC's General Secretariat and office of Ekmeleddin İhsanoğlu condemned the coup saying:</i> "Within the framework of ensuring security and stability in the region and stressing the promotion of good-neighborliness among states of the region, especially between the Republics of the Sudan and Southern Sudan, the OIC General Secretariat condemned the attempted coup which took place yesterday morning in the Republic of Southern Sudan". It stressed its support to the Government in Southern Sudan to achieve security, stability and development in this country." (OIC condemns S. Sudan attempted coup, Kuwait News Agency, 18.12.2013, https://www.kuna.net.kw/ArticleDetails.aspx?id=2351025&language=en (accessed on 16 September 2022))</p> <p>African Union: “called upon all parties to recommit to an unconditional end to hostilities and stressed that sanctions will be imposed against all parties that continue to obstruct the political process and undermine the Cessation of Hostilities Agreement of 23 January 2014”. (AU PSC Communiqués dated 5 December 2014, https://www.peaceau.org/en/article/communique-of-the-peace-and-security-council-of-the-african-union-au-at-its-474th-meeting-on-the-situation-in-south-sudan [accessed 16.09.2022] and 29 January 2015, https://www.peaceau.org/en/article/communique-of-the-484th-meeting-of-the-psc-on-the-situation-in-south-sudan (accessed 16 September 2022))</p> <p>Kenya: “After the outbreak of South Sudan crisis of December 2013, Kenya still maintained its neutrality of lobbying both parties in South Sudan, the government of President Salva Kiir and the SPM-IO led by Riek Machar until when the ARCSS was signed in 2015. [...] Since then Kenya changed her policy towards South Sudan and in particular, its neutrality stand towards the warring parties. It seems that Kenya neutrality policy shift was more in favour of the government. For instance, Kenya started deporting senior members of the SPLM-IO who were seeking political asylum in the country. Cases in point are the January 2017 deportations to Juba of James Gatdet Dak, 15 Dong Samuel Luak and Aggrey Idris all of whom are member of SPLM-IO. Upon arrival in Juba, this trio were imprisoned and only released shortly after the peace celebration in Juba which preceded the signing</p>
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		of the peace deal. The authority in Nairobi went as far as restricting activities of South Sudanese opposition in the country." (Konrad Adenauer Stiftung, IGAD, Political Settlements and Peace building in South Sudan, 12.06.2017, p. 5, 6)
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73. Ukraine vs. United Armed Forces of Novorossiya 2014-present

Key data

Duration: 12.04.2014 – present; Parties: Ukraine vs. United Armed Forces of Novorossiya (DPR (Donetsk People’s Republic) and LPR (Lugansk People’s Republic)), Russia (Soviet Union); Initiator: United Armed Forces of Novorossiya.

365 Russia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
10 denial of involvement	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	<p>During the beginning of the conflict: ### Russia declared not to be involved and responsible for the events in eastern Ukraine. Therefore, Russia did not bring forward a justificatory claim for its actions.</p> <p>Note: Even when Russia has pointed to an invitation by Yanukovich from the Ukrainian side in the UNSC on 3rd of March 2014, it has not put forward this invitation as a legal justification, but has merely cited it.</p>

						<p><i>Note: While Russia has stressed the need to protect Russian citizens in eastern Ukraine for humanitarian reasons, Russia simultaneously denied any military involvement in the conflict. Thus, the protection of the citizen is not brought forward as a justificatory claim ###</i></p> <p>“Russia did not cause the events in Ukraine, but we remain ready to help Ukraine find a solution if it can make the appropriate decisions.” (Russia, S/PV.7185, 28.05.2014,)</p> <p>“At the outset of fighting in eastern Ukraine, Russia denied involvement. Its officials said any Russian military members fighting in eastern Ukraine were volunteers.” (O’Connell, The Crisis in Ukraine—2014, in: Ruys/Corten, The Use of Force in International Law, A Case-Based Approach, 2018, p. 858)</p> <p>“Russia has not explained why it had no duty to exercise due diligence in preventing its nationalists from seeking to join a separatist movement in a neighbouring sovereign state.”(O’Connell, The Crisis in Ukraine—2014, in: Ruys/Corten, The Use of Force in International Law, A Case-Based Approach, 2018, p. 858)</p> <p>“According to Russia, it is not an international but an internal conflict within Ukraine: a civil war between the government in Kiev, on the one hand, and local ‘rebels’ on the other. Russia also categorically denies the presence of its military servicemen in Donbas, despite abundant proof to the contrary.” (Sergey Sayapin, Evhen Tsybulenko, The Use of Force against Ukraine and International Law, p. 112)</p> <p>“Russian leaders, from President Putin on down, consistently deny that Russia has any role at all in the fighting, but Russia's military has been challenged to explain an upsurge in dead and missing soldiers from its elite units.” (Corey Flintoff, "Russia Reports Troop Deaths in Ukraine, But Calls Them Volunteers", National Public Radio, 8.9.2014, https://www.npr.org/sections/parallels/2014/09/08/346735504/some-in-russia-admit-their-troops-volunteer-in-ukraine?t=1627894686416 (accessed on 02 August 2022))</p> <p>“Russia has repeatedly denied sending troops or military hardware into Ukraine, just as it denied any link to the unidentified gunmen who paved the way for Moscow’s annexation of Crimea — until President Vladimir V. Putin stated in April that Russian troops were “of course” involved.” ("Russians Open Fire in Ukraine, NATO Reports", The New York Times, 22.08.2014 https://www.nytimes.com/2014/08/23/world/europe/russian-convoy-ukraine.html (accessed on 20 November 2022))</p>
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						<p>### <i>Statement by Russia citing the invitation given by the President of Ukraine:</i> “I [Vitaly Churkin] have the honour to enclose herewith a statement by the President of Ukraine, Viktor Yanukovych, dated 1 March 2014 (see annex). “ (S/2014/146, Letter dated 3 March 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General)</p> <p>“Today, I am also authorized to say that the President of Russia has received the following request from President Yanukovich: <i>[for statement see below: Invitation by Russia].</i>“ (Russia, S/PV/7125, 3.3.2014)</p> <p>### <i>Invitation by Ukraine:</i> “As the legally elected President of Ukraine [Yanukovych], I hereby make the following statement. The events on the Maidan and the illegal seizure of power in Kyiv have brought Ukraine to the brink of civil war. Chaos and anarchy reign in the country, and people’s lives, safety and human rights are under threat, particularly in the south-east and in Crimea. With the influence of Western countries, open acts of terror and violence are being perpetrated and people are being persecuted on political and linguistic grounds. I therefore appeal to the President of Russia, V. V. Putin, to use the armed forces of the Russian Federation to restore law and order, peace and stability and to protect the people of Ukraine.“ (S/2014/146, Annex to the letter dated 3 March 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	5 humanitarian	<p>### Even though Russia is denying involvement in the conflict in eastern Ukraine, Russia is arguing that the civilians in eastern Ukraine have to be protected due to humanitarian reasons ###</p> <p>“[Mr. Churkin, Russian Federation]: In this extraordinary situation, which is not of our making and in which the lives and security of the inhabitants of Crimea and south-eastern Ukraine are under genuine threat from the irresponsible and provocative acts of gangs and ultranationalist elements, we emphasize once again that Russia’s actions are entirely appropriate and legitimate. “ (Russia, S/PV/7125, 3.3.2014)</p> <p>“On Friday, the Kremlin appeared to escalate the situation again by laying out a justification for military intervention on humanitarian grounds, discussing the prospect of a new war in the region in some of the starkest, most open terms yet. The Kremlin spokesman, Dmitri S. Peskov, said Russia would intervene to prevent ethnic cleansing of Russian speakers by the Ukrainian government, a risk he compared to the ethnic massacres of the 1990s Balkan wars, though there are no signs that such violence is imminent in Ukraine today.</p> <p>“The situation on the contact line in Ukraine is extremely unstable,” Mr. Peskov said. “If military actions begin and a potential repetition of a humanitarian catastrophe similar to Srebrenica arises, not one country in the world will remain on the sidelines. All countries, including Russia, will take measures.” (...)</p> <p>On Thursday, Russia’s chief negotiator in the Ukrainian peace process, Dmitri Kozak, offered another potential justification for intervention: to protect people with dual Ukrainian and Russian citizenship. Since 2019, Russia has been granting citizenship to residents of the two separatist enclaves in eastern Ukraine, the Donetsk and Luhansk people’s republics.” (“Russian Troop Movement and Talk of Intervention Cause Jitters in Ukraine”, The New York Times 09.04.2021 https://www.nytimes.com/2021/04/09/world/europe/russia-ukraine-war-troops-intervention.html (accessed on 20 November 2022))</p> <p>“In addition to citing invitation as the legal basis for intervention, Russian officials and pro-Russian Ukrainians have also used terms associated with humanitarian intervention.” (O’Connell, The Crisis in Ukraine—2014, in: Ruys/Corten, The Use of Force in International Law, A Case-Based Approach, 2018, p. 866)</p>
6. UNSC Reaction	3 unclear	<p>### The UNSC released two resolutions in regard to the conflict in eastern Ukraine: one in regard to the downing of the Malaysia Airlines flight MH17 in Donetsk. The UNSC condemned the downing and called on all actors to cooperation in relation to the investigation.</p> <p>The second resolution was released after the signing of the Minsk I Agreement. The UNSC endorsed the Minsk-Agreement, which aims to bring peace about the region (see: Annex I to UNSC Res 2201).</p>

		<p><i>However, the UNSC did not react to acts by Ukraine or the other conflict parties in specific. Therefore, the reaction by the UNSC regarding the conflict in eastern Ukraine remains unclear. ###</i></p> <p>UNSC Res 2155, 21 July 2014: “1. Condemns in the strongest terms the downing of Malaysia Airlines flight MH17 on 17 July in Donetsk Oblast, Ukraine resulting in the tragic loss of 298 lives; 9. Calls on all States and actors in the region to cooperate fully in relation to the international investigation of the incident, including with respect to immediate and unrestricted access to the crash site as referred to in paragraph 6;”</p> <p>UNSC Res 2201, 17 February 2015: “1. Endorses the ‘Package of measures for the Implementation of the Minsk Agreements’, adopted and signed in Minsk on 12 February 2015 (Annex I)”</p> <p>Statement by the President of the Security Council, 6 June 2018: “The Security Council condemns continuous violations of the cease-fire regime, especially the use of heavy weapons prohibited by the Minsk Agreements, responsible for tragic deaths, including among civilians, and calls for the implementation of disengagement commitments and the immediate withdrawal of heavy weapons in accordance with relevant provisions of the Minsk Agreements.”</p>
7. UNGA Reaction	4 no reaction	<p><i>### There is no reaction by the UNGA in regard to the conflict in eastern Ukraine.</i></p> <p><i>Note: in UNGA Res 68/282 (27 March 2014) the UNGA called on all ‘States to desist and refrain from actions aimed at the partial or total disruption of the national unity and territorial integrity of Ukraine’. As the preamble of the resolution refers to the referendum held in the Crimean Peninsula rather than the conflict in eastern Ukraine, the resolution cannot be seen as a reaction by the UNGA in regard to the conflict in eastern Ukraine ###</i></p>
8. ICJ Reaction	3 unclear	<p>Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation), Preliminary Objections, Judgement, ICJ Reports 2019, p. 558</p> <p><i>### In 2017, Ukraine instituted proceedings against the Russian Federation with regard to alleged violations of the International Convention for the Suppression of the Financing of Terrorism (ICSFT) and the International Convention on the Elimination of All Forms of Racial Discrimination.</i></p> <p><i>The dispute is narrowly limited to Ukraine’s claims under the ICSFT with respect to the ongoing armed conflict in eastern Ukraine as well as claims under CERD with respect to the situation in Crimea (para. 29, 30, 60).</i></p>

	<p><i>However, the dispute also touches upon some broader highly contested issues related to Russia’s degree of military involvement in the conflict in eastern Ukraine. According to Ukraine, since 2014 the Russian Federation has escalated its interference in Ukrainian affairs to dangerous new levels. It states that in eastern Ukraine, the Russian Federation has instigated and sustained an armed insurrection against the authority of the Ukrainian State. Ukraine considers that, by its actions, the Russian Federation is in violation of fundamental principles of international law, including those enshrined in the ICSFT.</i></p> <p><i>With regard to the question of Russia’s involvement in eastern Ukraine, the Court found that the question lies beyond the scope of the judicial inquiry at the ICJ (“the financing of a State of acts of terrorism lies outside the scope of the ICSFT” (para. 60)). However, the Court left open whether this constitutes a breach of other obligations under international law (para. 60). Therefore, the Court’s position regarding Russia’s actions remains unclear. ###</i></p> <p>ICJ, Ukraine v. Russian Federation, ICJ Reports 2019:</p> <p>“18. In the Application, the following claims were made by Ukraine: With regard to the ICSFT: ‘134. Ukraine respectfully requests the Court to adjudge and declare that the Russian Federation, through its State organs, State agents, and other persons and entities exercising governmental authority, and through other agents acting on its instructions or under its direction and control, has violated its obligations under the Terrorism Financing Convention by: (a) supplying funds, including in-kind contributions of weapons and training, to illegal armed groups that engage in acts of terrorism in Ukraine, including the DPR, the LPR, the Kharkiv Partisans, and associated groups and individuals, in violation of Article 18; (...)’</p> <p>29. In the present case, the Court notes that Ukraine is not requesting that it rule on issues concerning the Russian Federation’s purported “aggression” or its alleged “unlawful occupation” of Ukrainian territory. (...)</p> <p>30. The Court observes that Ukraine requests the Court to adjudge and declare that the Russian Federation has violated a number of provisions of the ICSFT and CERD.</p> <p>42. More specifically, the Respondent [Russia] maintains that no material evidence has been presented by Ukraine demonstrating that the Russian Federation provided weaponry to any entity “with the requisite specific intent or knowledge” under Article 2, paragraph 1, of the ICSFT that such weaponry would be used to shoot down flight MH17.</p> <p>58. At the present stage of the proceedings, an examination by the Court of the alleged wrongful acts or of the plausibility of the claims is not generally warranted. The Court’s task, as reflected in Article 79 of the Rules of Court of 14 April 1978 as amended on 1 February 2001, is to consider the questions of law and fact that are relevant to the objection to its jurisdiction.</p> <p>60. The conclusion that the financing by a State of acts of terrorism lies outside the scope of the ICSFT does not mean that it is lawful under international law. The Court recalls that, in resolution 1373 (2001), the United Nations Security Council, acting</p>
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		<p>under Chapter VII of the Charter, decided that all States shall '[r]efrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts'."</p>
<p>9. State Reaction</p>	<p>2 disapproves</p>	<p>### States accused Russia of supporting the separatist groups and thereby disapproved its actions. ###</p> <p>European Union: ### The EU Parliamentary Assembly condemned Russia's actions.</p> <p>"2. It [the Parliamentary Assembly] reaffirms its position that the annexation of Crimea by the Russian Federation and the military intervention by Russian forces in eastern Ukraine violate international law and the principles upheld by the Council of Europe, as stated in Assembly Resolution 2112 (2016), Resolution 2063 (2015), Resolution 1990 (2014) and Resolution 1988 (2014)." (EU, Parliamentary Assembly, Resolution 2133 (2016), adopted on 12 October 2016, https://pace.coe.int/pdf/65ac6d698df4581792eaaa86aedcc4ece40eaddb3521509cd8e65ff8f9b76b0a/resolution%202133.pdf (accessed on 20 November 2022))</p> <p>United Kingdom: ### The United Kingdom is accusing Russia to support the armed separatist groups, and the UK is demanding the end of Russian support of the separatists in eastern Ukraine with weapons. ###</p> <p>"Russian officials have claimed that armed separatists in eastern Ukraine represent a spontaneous local insurgency. We know that is not the case. We know that the three leading figures of the so-called Donetsk People's Republic are Russian citizens who have come from outside Ukraine. We know that weapons, equipment and logistical support have been systematically provided to armed separatist groups by Russia, (...). We urge Russia to cease its policy of supporting armed separatist groups and their violent actions of destabilizing a neighbouring country and of generating displacement and social and economic hardship." (United Kingdom, S/PV.7219, 18.07.2014)</p> <p>"[referring to Donetsk and Luhansk]: But the sending of convoys into Ukraine by Russia without the agreement of the Government of Ukraine and in breach of Ukraine's sovereignty is a provocative act and must not be repeated." (United Kingdom, S/PV.7287, 24.10.2014, p.7)</p> <p>"The Russian representative claims that Mr. Yanukovich has called for Russian military intervention. We are talking about a former leader who abandoned his office, his capital and his country; whose corrupt governance brought his country to the brink of economic ruin; who suppressed protests against his Government leading to over 80 deaths; and whose own party has abandoned him. The idea that his pronouncements now convey any legitimacy whatsoever is far-fetched and in keeping with the rest of Russia's bogus justification for its actions. The Government in Kyiv is legitimate and has been overwhelmingly endorsed by the Ukrainian Parliament." (United Kingdom, S/PV/7125, 3.3.2014)</p>

	<p>“[Sir Mark Lyall Grant, United Kingdom]: We can see absolutely no justification for those actions [by Russia in eastern Ukraine].” (United Kingdom, S/PV/7125, 3.3.2014)</p> <p>France: <i>### France accused Russia to be responsible for the escalation of hostilities and to support the pro-Russian militias. ###</i></p> <p>“The report [sixth report of the Office of the United Nations High Commissioner for Human Rights based on the work of the United Nations Human Rights Monitoring Mission in Ukraine] emphasizes that for the fighting to have reached such a level of intensity, the pro-Russian militias must have been supported by many foreign fighters, including Russians, and must also have been reinforced with sophisticated weaponry. Those responsible for the escalation are the same as those who several months ago decided that Ukrainian sovereignty could be violated, in defiance of the Charter of the United Nations.” (France, S/PV.7287, 24.10.2014, p.15)</p> <p>Australia: <i>### Australia accused Russia to cause the conflict in eastern Ukraine by its support to separatists and thereby disapproves its actions. ###</i></p> <p>“To conclude, we must not overlook the root cause of the situation in eastern Ukraine: Russia’s persistent campaign of deliberate destabilization. (...) Russia must withdraw all its support to separatists, remove all its military forces and assets from Ukrainian territory, respect Ukraine’s borders, observe its obligations under the Minsk agreements and engage in genuine dialogue with Ukraine. Russia’s continued refusal to heed the international community’s call to de-escalate this crisis can lead only to Russia’s further isolation.” (Australia, S/PV.7287, 24.10.2014, p.15)</p> <p>China and Chile: <i>### China and Chile are demanding the end of the conflict in order to restore the independence and territorial integrity of Ukraine; however, China and Chile do not refer to the actions taken by the conflict parties themselves. ###</i></p> <p>“The report before us describes the human rights situation in eastern Ukraine in a worrying way. The dramatic increase in violations of the rights to life, liberty and security now affecting civilians in Donbas underscores the need to restore the rule of law and to respect the sovereignty, independence and territorial integrity of Ukraine in accordance with General Assembly resolution 68/262 and international law.” (Chile, S/PV.7287, 24.10.2014, p.15)</p> <p>“China is deeply worried and concerned about the situation. The top priority now is for the parties concerned to implement effectively and comprehensively the Minsk agreements and to ensure the realization of a ceasefire and cessation of violence in eastern Ukraine.” (China, S/PV.7287, 24.10.2014, p.16)</p>
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	<p>Ukraine: <i>### Accuses Russia of organizing and encouraging the armed groups' penetration into Ukrainian territory and calls these actions "blatant aggression". ###</i></p> <p>"Moreover, there is every reason to believe that the armed groups' penetration into Ukrainian territory is organized, financed and encouraged from the Russian side. (...) Furthermore, the Russian Federation has failed to condemn Russian citizens' participation in mercenary activities in Ukraine and has done nothing to prevent armed groups' illegal penetration into the eastern part of Ukraine, thus conniving in such actions. We are in fact dealing with blatant aggression against Ukraine from the Russian side in the form of exporting instability into the territory of another country. (...) We have had no sign of any Russian condemnation of such acts. Instead, Russia has offered its humanitarian assistance to the population of eastern Ukraine, citing alleged appeals from local citizens and organizations. We would like to say to the Russian side that the only thing Russia can do for the people of Ukraine is to stop supporting the illegal military groups." (Ukraine, S/PV.7185, 28.05.2014)</p> <p>United States of America: <i>### The US accused Russia to support the separatists in Donetsk and Luhansk, and calls Russia's actions "Violations of fundamental principles of the UNCh". Thus, the US imposed sanctions on Russia. ###</i></p> <p>"[Ms. Power, United States of America]: Russian military action is not a human rights protection mission. It is a violation of international law and of the sovereignty and territorial integrity of the independent nation of Ukraine and a breach of Russia's Helsinki commitments and its United Nations obligations." (United States of America, S/PV/7125, 3.3.2014)</p> <p>"There also must be continued consequences for Russia's consistent violations of the fundamental principles of the Charter of the United Nations and for its ongoing failure to meet the commitments it has made. And there must be consequences for the widespread crimes and abuses committed by the armed separatists Russia supports." (United States of America, S/PV.7205, 24.06.2014)</p> <p>"Russia says that it seeks peace in Ukraine, but we have repeatedly provided the Council with evidence of Russia's continued support to the separatists." (United States of America, S/PV.7219, 18.07.2014)</p> <p>"And it was hammered home when Russia went into Crimea and portions of Ukraine. The reason we imposed the sanctions, recall, was not because of nuclear weapons issues, it was because the independence and sovereignty of a country, Ukraine, had been encroached upon by force, by Russia. (...) And, Russia continues to occupy Ukrainian territory and meddle in Ukrainian affairs and support military surrogates who have violated basic international laws and international norms. (...)" ("Obama's Last News Conference: Full Transcript and Video", The New York Times, 18.01.2017, https://www.nytimes.com/2017/01/18/us/politics/obama-final-press-conference.html (accessed on 20 November 2022))</p>
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369 Ukraine

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	### Ukraine is not bringing forward a justificatory claim, as it is not fighting Russia on either a factual or legal ground, but merely invoking the use of force by armed separatist groups (see category 4.) ###
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
1 yes	4 no spec.	<p>### Ukraine claims that it is under attack by armed separatist forces in eastern Ukraine, which are supported by Russia. However, as Ukraine is nether fighting Russia on a factual nor a legal level, it is merely invoking the use of force by armed separatist groups as a victim state ###</p> <p>“Moreover, there is every reason to believe that the armed groups’ penetration into Ukrainian territory is organized, financed and encouraged from the Russian side. (...) Furthermore, the Russian Federation has failed to condemn Russian citizens’ participation in mercenary activities in Ukraine and has done nothing to prevent armed groups’ illegal penetration into the eastern part of Ukraine, thus conniving in such actions. We are in fact</p>

	<p>dealing with blatant aggression against Ukraine from the Russian side in the form of exporting instability into the territory of another country. (...) We have had no sign of any Russian condemnation of such acts. Instead, Russia has offered its humanitarian assistance to the population of eastern Ukraine, citing alleged appeals from local citizens and organizations. We would like to say to the Russian side that the only thing Russia can do for the people of Ukraine is to stop supporting the illegal military groups.“ (Ukraine, S/PV.7185, 28.05.2014)</p> <p>“President Petro O. Poroshenko of Ukraine said early Tuesday that he had ordered a resumption of military efforts to crush a pro-Russian separatist rebellion in eastern Ukraine, formally ending a cease-fire after 10 days because, he said, rebels had refused to put down their weapons and had persisted in attacking government troops.“ ("Ukrainian President Ends Cease-Fire With Rebels", The New York Times, 30.06.2014, https://www.nytimes.com/2014/07/01/world/europe/ukrainian-president-ends-cess-fire-with-rebels.html (accessed on 20 November 2022))</p> <p>“In Kiev on Monday, Mr. Poroshenko implicitly accused Russia of undertaking a direct assault on his country that caused a critical shift in the fighting in the southeast. “Direct, unconcealed aggression has been launched against Ukraine from a neighboring country,” he said in a speech at the military academy in Kiev, according to a summary posted on the presidential website. The country’s defense minister, Valeriy Heletey, was even more emphatic. “A great war has arrived at our doorstep,” he said in a Facebook post“ ("As Ukraine Talks Resume, Putin and Poroshenko Trade Barbs", The New York Times 01.09.2014 https://www.nytimes.com/2014/09/02/world/europe/ukraine.html (accessed on 20 November 2022))</p> <p>“Der ukrainische Staatspräsident Petro Poroschenko hat seine Landsleute vor einer militärischen Eskalation gewarnt. Trotz des vereinbarten Waffenstillstands bestehe weiterhin die Gefahr einer umfassenden Invasion an der gesamten Grenze zu Russland. (...) Poroschenko verteidigte den Einsatz schwerer Artillerie. Das Militär habe bei der Ortschaft Marjinka einen Angriff prorussischen Separatisten ,angemessen erwidert‘, sagte er. Derzeit würde 14 russische Kampfgruppen mit insgesamt mehr als 9000 Soldaten an der Seite der Aufständischen im Donbass kämpfen, behauptete er. Moskauf weist solche Vorwürfe zurück.“ ("Poroschenko warnt vor 'umfassender Invasion'", Der Spiegel, 04.06.2015, https://www.spiegel.de/politik/ausland/ukraine-und-russland-poroschenko-ueber-den-krieg-im-donbass-a-1037096.html (accessed on 20 November 2022))</p>
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	### No reaction by the UNSC regarding the parties’ actions. For the UNSC reaction to the overall conflict see Russia 6 ###
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	3 unclear	see Russia 8

<p>9. State Reaction</p>	<p>1 approves</p>	<p>### State approve the actions taken by Ukraine with the exception of Russia, which accused Ukraine to violate international law and to violently repress the eastern regions. For further reaction see Russia 9. ##</p> <p>European Union: “The Council of the European Union undertook certain diplomatic measures in March 2014 to support Ukrainian ‘sovereignty and integrity’.” (O’Connell, The Crisis in Ukraine—2014, in: Ruys/Corten, The Use of Force in International Law, A Case-Based Approach, 2018, p. 859)</p> <p>Germany: ### The German chancellor Angela Merkel disapproves Russia’s actions. However, she did not refer directly to actions taken by Ukraine ###</p> <p>“Addressing Germany’s Parliament, Chancellor Angela Merkel used stark terms to describe the fighting. ‘It is becoming ever clearer that, from the very start, this was not a conflict within Ukraine, but a conflict between Russia and Ukraine,’ she said. (...) ‘I have to say there is also an impact when you are allowed to move borders in Europe and attack other countries with your troops,’ she said. ‘Accepting Russia’s behavior is not an option. And therefore it was necessary to prepare further sanctions.’” (As Ukraine Talks Resume, Putin and Poroshenko Trade Barbs, The New York Times, 01.09.2014 https://www.nytimes.com/2014/09/02/world/europe/ukraine.html (accessed on 20 November 2022))</p> <p>Russia: ### Russia accused Ukraine of violating international law and of violently repressing the eastern regions. “At the outset of fighting in eastern Ukraine, Russia denied involvement. (...) Russia accused Ukrainian governmental authorities of violating international law in the conduct of their military operations against separatists in the region.” (O’Connell, The Crisis in Ukraine—2014, in: Ruys/Corten, The Use of Force in International Law, A Case-Based Approach, 2018, p. 858)</p> <p>“Finally, Kyiv’s approach of violently repressing the eastern regions will have very difficult consequences for the entire Ukrainian population, and that is simply regrettable.” (Russia, S/PV.7234, 5.08.2014)</p>
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United Forces of Novorossiya (LPR (Luhansk People’s Republic) and DPR (Donetsk People’s Republic)

	<p>Code</p>
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Law invoked?	2 No
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### The United Forces of Novorossiya consist of the Luhansk People’s Republic (LPR) and the Donetsk People’s Republic (DPR). The LRP and DPR were at first each fighting independently against Ukraine (conflict U 13246 (Ukraine vs. DPR) and conflict U 13247 (Ukraine vs. LPR)), but merged into the United Forces of Novorossiya on 16th September 2014, in order to be fighting Ukraine jointly. Thus, as of 17th September 2014, the conflict merges into conflict U 13306</p> <p>The United Forces of Novorossiya aims for south-eastern Ukraine to be independent of Ukraine and to re-establish a Russian Empire. These reasons cannot be categorized as legal reasons though. Therefore, no justificatory claim is brought forward ###</p> <p>“Local leaders in Crimea, Luhansk and Donetsk declared independence from Ukraine to establish the right to voluntarily join Russia or request assistance to Ukraine.” (O’Connell, The Crisis in Ukraine—2014, in: Ruys/Corten, The Use of Force in International Law, A Case-Based Approach, 2018, p. 866)</p> <p>“What is the purpose of Russia’s war against Ukraine? The answer to this question can be found in an interview with Russian citizen Aleksandr Borodai, self-proclaimed prime minister of the DPR. In this interview with the Russian newspaper <i>Zavtra (Tomorrow)</i>, Borodai openly acknowledged that Russia’s goal in its war against Ukraine was to re-establish the Russian Empire.” (Sergey Sayapin, Evhen Tsybulenko, “The Use of Force against Ukraine and International Law”, p. 116)</p>

							<p>“The self-proclaimed independent republics in Luhansk and Donetsk, which held haphazard, self-organized referendums on independence in May, have repeatedly requested Russian recognition, protection and annexation. Although the Kremlin annexed Crimea in March, it has for months avoided formally recognizing the separatist states.” (NYT, Putin Urges ‘Statehood’ Talks for Eastern Ukraine, 31.08.2014)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<i>see Russia 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	3 unclear	<i>see Russia 8</i>
9. State Reaction	2 disapproves	<p>### The actions taken by LPR and DPR are called illegal by many States and are classified as terrorist organisations by some States. Therefore, the State reaction is disapproving ###</p> <p>European Union:</p>

	<p>### <i>The EU disapproves the DPR and LPR.</i> ### “3. The “DPR” and “LPR” – established, supported and effectively controlled by the Russian Federation – are not legitimate under Ukrainian or international law. (...)” (EU, Parliamentary Assembly, Resolution 2133 (2016), adopted on 12 October 2016 (33rd Sitting) https://pace.coe.int/pdf/65ac6d698df4581792eaaa86aedcc4ece40eaddb3521509cd8e65ff8f9b76b0a/resolution%202133.pdf (accessed on 20 November 2022))</p> <p>Australia: ### <i>Australia disapproves the intend to hold separate elections.</i> ### “Announcements by the self-proclaimed Donetsk and Luhansk People’s Republics that they intend to hold separate elections in November contravene both the letter and the spirit of the Minsk protocol and undermine efforts towards finding a sustainable political solution within Ukraine’s legislative framework. Those purported elections can have no legitimacy. As the report notes, the parallel governance structures being created in Donetsk and Luhansk do not comply with international norms and standards or, of course, with Ukraine’s Constitution.” (Australia, S/PV.7287, 24.10.2014, p.15)</p> <p>Rwanda: ### <i>Rwanda calls on all illegal armed groups in Ukraine to lay down their arms.</i> ### “Although the ceasefire had for a while raised hopes for peace in Ukraine, we are perturbed by the statement of the Prime Minister of the self-proclaimed Donetsk People’s Republic officially declaring the end of the ceasefire, in the wake of regular violations by armed parties. In that context, we reiterate our call on all illegal armed groups in Ukraine, mainly in the Donetsk and Luhansk regions to lay down their arms (...).” (Rwanda, S/PV.7287, 24.10.2014, p.17)</p> <p>Jordan: “In particular, we condemn the actions of pro-Russian armed separatists operating in Donetsk and Luhansk, who attacked district election commissions and polling stations and intimidated election workers, notably through abductions, death threats, forced entry into private homes, the seizure of equipment and election materials, and the shooting of a candidate proxy.” (Jordan, S/PV.7185, 28.05.2014)</p> <p>United States of America: ### <i>The US calls the separatist groups in south-east Ukraine “Illegal” and calls their actions “crimes and abuses”.</i> ### “Meanwhile, in areas controlled by illegal separatist groups in south-east Ukraine, we continue to see Russia’s extensive support for the campaign of violence and separatist terror.” (United States of America, , S/PV.7205, 24.06.2014)</p> <p>“And there must be consequences for the widespread crimes and abuses committed by the armed separatists [in Donetsk and Luhansk] Russia supports.” (United States of America, , S/PV.7205, 24.06.2014)</p>
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	<p>Lithuania: <i>### Lithuania declares the organization of elections in November by the separatists to be unconstitutional and inconsistent with the Minsk agreements and thereby disapproves the actions taken by the separatists. ###</i> “Unfortunately, both the separatists supported by the Russian Federation and Russia itself have failed to implement their Minsk commitments. In response to the Ukrainian laws on special status that provide additional autonomy for parts of Donetsk and Luhansk, including special elections to be held on 7 December, the separatists have declared unilaterally that they would hold their own local so-called elections in November. That is unconstitutional and completely inconsistent with the Minsk agreements. It also reveals the separatists’ true intentions, which are not to empower people with a choice within the legal political process of Ukraine, but rather to set up another vote that they can once again rig.” (Lithuania, S/PV.7287, 24.10.2014, p.9)</p> <p>Ukraine: <i>### Ukraine classifies LPR and DPR as terrorist organizations. ###</i> “Kiev accuses Moscow of funding and fuelling the separatist movement in eastern Ukraine. It has labelled the Donetsk and Luhansk People’s Republics ‘terrorist organisations’ and has vowed to defeat the militants.” ("Steven Rosenberg, Ukraine crisis: Donetsk rebel leaders still talking though", BBC, 5.06.2014, https://www.bbc.com/news/world-europe-27705117 (accessed on 20 November 2022))</p> <p>Russia: <i>### Even though Russia is accused of supporting the separatists, Russia does not recognize the independence of south-eastern Ukraine and the separatist state. ###</i> “Although the Kremlin annexed Crimea in March, it has for months avoided formally recognizing the separatist states.” ("Putin Urges ‘Statehood’ Talks for Eastern Ukraine", The New York Times, 31.08.2014 https://www.nytimes.com/2014/09/01/world/europe/ukraine.html (accessed on 20 November 2022))</p>
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74. Iraq et al. vs IS 2014-2017

Key data

Duration: 2014-2017; Parties: Iraq (supported by Australia, Bahrain, Belgium, Canada, Denmark, France, Jordan, Netherlands, Saudi Arabia, United Arab Emirates, United Kingdom, United States of America) vs. IS; Initiator: IS.

116 Iraq

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 general / abstract scope	.7 validity	
0	0	0	0	0	0	0	Letter from Iraq to the Secretary-General, 25 June 2014, S/2014/440: “ISIL has since been terrorizing citizens, carrying out mass executions, persecuting minorities and women, and destroying mosques, shrines and churches. [...] These international terrorist groups seek to eliminate borders, exacerbate violence and fan the flames of civil war. On the other hand, the Iraqi Government is seeking to avoid falling into a cycle of violence. To that end, we need your support in order to defeat ISIL and protect our territory and people. In particular, we call on

							<p>Member States to assist us by providing military training, advanced technology and the weapons required to respond to the situation, [...]. [...] We also request the United Nations to consider what Iraq and other countries are going through at the hands of the gangs of ISIL and Al-Qaida as genocide.”</p> <p>Letter from Iraq to the SC, 16 August 2017, S/2017/710: “At this critical juncture in our country’s history, our armed forces as a whole, including the army, the counter-terrorism forces, the federal police, the popular mobilization, the Peshmerga and tribesmen, have achieved a great victory by liberating Mosul from the clutches of the terrorist organization Islamic State in Iraq and the Levant (ISIL).”</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	2 maintenance of law and order	<p>Letter from Iraq to the SC, 22 September 2014, S/2014/691: “I should like to reaffirm the [...] effort to eradicate the Islamic State in Iraq and the Levant (ISIL) and restore stability to our country. [...] We are grateful for the international community’s support and believe that the provision of additional assistance for the specific purpose of targeting ISIL will further help the Iraqi people and the security forces to turn the tide in the struggle against the terrorists, and thereby restore security and stability in our territory. Doing so will benefit the region and the entire world, from which ISIL must be completely eradicated.”</p>

		SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 5: “We would like to restore peace and stability so that we can restore public services to the people, especially in the affected areas.”
	Code	Material
6. UNSC Reaction	1 approves	<p>Presidential Statement of 19 September 2014, S/PRST/2014/20: “The Security Council welcomes the Government of Iraq’s efforts, in association with local and regional authorities, to combat the terrorist threat facing all Iraqis, [...]”</p> <p>Presidential Statement of 10 January 2014, S/PRST/2014/1: “The Security Council recognizes that Iraqi security forces, local police and tribes in Anbar province are showing great courage as they fight to defeat ISIL in their cities. [...]” “The Security Council expresses its strong support for the continued efforts of the Iraqi Government to help meet the security needs of the entire population of Iraq. In this regard, the <u>Security Council acknowledges the efforts of the Iraqi security forces</u> and Iraqi local police, whose members are also being targeted and killed in ongoing attacks by terrorists. The Security Council welcomes the commitment of the Government of Iraq in the protection of the civilian population in Fallujah and elsewhere [...]”</p> <p><i>SC Res. 2178, 24 September 2014, S/RES/2178 (2014):</i> “[preamble] Bearing in mind the need to address the conditions conducive to the spread of terrorism, and affirming Member States’ determination to continue to do all they can to resolve conflict and to deny terrorist groups the ability to put down roots and establish safe havens to address better the growing threat posed by terrorism, [...] Recognizing that international cooperation and any measures taken by Member States to prevent and combat terrorism must comply fully with the Charter of the United Nations, [...] Recognizing also that terrorism will not be defeated by military force, law enforcement measures, and intelligence operations alone, and underlining the need to address the conditions conducive to the spread of terrorism, as outlined in Pillar I of the United Nations Global Counter-Terrorism Strategy (A/RES/60/288) [...]”</p>
7. UNGA Reaction	4 no reaction	<p>UN GA, Resolution on Saving the cultural heritage of Iraq, 9 June 2015, A/RES/69/281, [§ 7]: “Affirms its support for the Government of Iraq in protecting the heritage of Iraq, an inseparable and permanent part of its national identity, and safeguarding its rich cultural, religious and ethnic diversity which has an important role to play in its efforts of national reconciliation and reconstruction.”</p> <p>Human Rights Council, Resolution on Technical assistance and capacity-building in strengthening human rights in Iraq in the light of the abuses committed by Daesh and associated terrorist groups, 8 April 2015, A/HRC/RES/28/32:</p>

		“[preamble] Reaffirming that the protection and promotion of human rights and fundamental freedoms are the responsibility of Governments; Noting the efforts of the Government of Iraq [...] to promote and protect human rights.”
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<p>China: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 20: “[...] we firmly support the efforts to safeguard the sovereignty, independence and territorial integrity of Iraq. We also support Iraq’s efforts to restore its security and stability and to achieve development and prosperity.”</p> <p>United States: UC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 7: “But if this campaign international to have any chance of success, Iraq itself — and its security forces on the front lines — must be leading the way.”</p> <p>Statement by the US President, 7 August 2014, The White House, Office of the Press Secretary, [https://obamawhitehouse.archives.gov/the-press-office/2014/08/07/statement-president]: “And so even as we support Iraqis as they take the fight to these terrorists, American combat troops will not be returning to fight in Iraq, because there’s no American military solution to the larger crisis in Iraq.”</p> <p>Australia: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 9: “we must send a clear signal of the international community’s strong support for Iraq. Australia endorses the terms of presidential statement S/PRST/2014/20, which is an affirmation of Iraqi and international efforts to combat the terrorist threat posed by the Islamic State in Iraq and the Levant (ISIL).”</p> <p>Jordan: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 11: “We support the efforts of the new Government in Iraq to fight terrorism. I would like to thank Mr. Al-Jaafari [Minister of Foreign Affairs of Iraq] for his statement and for his briefing on the situation. Jordan stands by Iraq in its efforts to promote stability and security and to maintain its territorial integrity.”</p> <p>Luxembourg: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 11: “[...] the support of the international community to the Iraqi authorities and to the Iraqi people is more crucial than ever. I would like to thank him [Iraqi Minister for Foreign Affairs Ibrahim Al-Jaafari] for his compelling and encouraging statement and to assure him of our full support.”</p> <p>United Kingdom: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 17: “There needs to be a comprehensive, coordinated approach with our regional allies at the forefront to tackle ISIL. As part of this, the United Kingdom will continue to be a steadfast</p>

	<p>supporter of Iraq and an active contributor to international and regional efforts to degrade and defeat ISIL and rid the world of this repugnant terrorist organization.”</p> <p>Turkey: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 24: “Sustained international support to Iraq in the security field should be another component of the strategy. That requires an organized and coordinated flow of military equipment and an effort to help build the defence infrastructure of Iraq. We shall guide and support Iraq towards a future where it will be able to defend itself.”</p> <p>Norway: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 26: “Extremism and terrorism must be fought on the ground, in the courts, in classrooms, in Parliaments, on the Internet and on the humanitarian front.”</p> <p>Spain: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 25: “[T]he international community must respond to the request of the legitimate Government of Iraq. [...] we will support operations by providing the use of Spanish bases; support and participate in strategic transportation efforts; contribute capacity, including air support, leadership, security and intelligence; participate in advising and standing up military units, in keeping with the priorities of the Iraqi military; and facilitate the supply of military equipment to the legitimate Government of Iraq.”</p> <p>Canada: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 26: “For Canada’s part, we are supporting Iraqi forces in the front line against ISIL with the deployment of advisers and the delivery of equipment.”</p> <p>Italy: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 27: “We also decided on military support. [...] This is not a coalition of the West against Islam. On the contrary, it is a global partnership in support of Iraq and all Iraqi people, whether Muslim, Sunni, Shia, Christian, Yazidi or others, against a terrorist organization.”</p> <p>Egypt: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 29: “Egypt is stands ready to provide all support necessary to help Iraq. We will cooperate at the regional and international levels in the effort to overthrow ISIL and all heinous terrorist</p>
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	<p>organizations throughout the world. [...] We met in Jeddah and we are meeting again in this Chamber today to support Iraq against ISIL."</p> <p>Bahrain: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 30: "The fight against Daesh requires joint action at the regional and international levels in three crucial arenas — the military, the financial and the ideological. Concerning military operations, it is essential that countries join Iraq in its fight against Daesh by providing the requisite level of support."</p> <p>Qatar: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 31: "We in Qatar would support our Iraqi brothers and sisters in taking any step that would maintain the territorial integrity of Iraq and defeat terrorism."</p> <p>Georgia: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 32: "I would like to express strong support to the new Government of Iraq, headed by Prime Minister Haider Al-Abadi, and its efforts to ensure an inclusive political process and to improve security and stability in Iraq, despite the challenges presented by the Islamic State in Iraq and the Levant (ISIL). [...] Furthermore, Georgia's valuable experience in <u>combat</u> missions as well as its successful defence transformation can be effectively used to enhance the capabilities of the Iraqi and other security forces as they fight the ISIL terrorists."</p> <p>Iran: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 36: "The Islamic Republic of Iran is the only country in the region capable of showing unqualified determination to help the Iraqi Government and coordinate with it to assist all those threatened by ISIL, and we have done so. [...] Likewise, my Government is ready to continue to assist the Iraqi Government and other Governments threatened by ISIL."</p> <p>Japan: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 36: "[T]he international community once again forms a united front to counter the threat of the Islamic State of Iraq and the Levant (ISIL), while also supporting the efforts made by the Iraqi Government. [...] The Government of Japan firmly denounces any form of terrorism and strongly supports the fight against terrorism conducted by the Iraqi Government and other States."</p>
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2 United States

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					.7 validity	Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 general / abstract scope			
3 invitation	4 no spec.	2 No	2 No	2 No	2 No	2 No	<p>### Regarding Iraqi Territory:</p> <p>SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 7: “ISIL poses a threat to all of us, and we are committed to working in close partnership with the new Iraqi Government and countries around the world to defeat it.”</p> <p>Statement by the US President, 7 August 2014, The White House, Office of the Press Secretary, [https://obamawhitehouse.archives.gov/the-press-office/2014/08/07/statement-president]: “[W]hen we have a mandate to help - in this case, a request from the Iraqi government - and when we have the unique capabilities to help avert a massacre, then I believe the United States of America cannot turn a blind eye.”</p> <p>Background Briefing by Senior Administration Officials on Iraq, 8 August 2014, The White House, Office of the Press Secretary, [https://obamawhitehouse.archives.gov/the-press-office/2014/08/08/background-briefing-senior-administration-officials-iraq]: “with respect to international law, we believe that any actions we would take, to include airstrikes, would be consistent with international law, as we have a request from the Government of Iraq. So we’ve essentially been asked and invited to take these actions by the Government of Iraq, and that provides the international legal basis.”</p>	

Letter sent in accordance with Art. 51 UNCh?	0 – not applicable
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1.1 Justificatory claim	.2 Source of law	Contestation about					.7 validity	Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 general / abstract scope			
1 self-defence	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	<p><i>### Regarding Syrian territory:</i></p> <p>Letter from the US to the SG, 23 September 2014, S/2014/695: “Iraq has made clear that it is facing a serious threat of continuing attacks from the Islamic State in Iraq and the Levant (ISIL) coming out of safe havens in Syria. These safe havens are used by ISIL for training, planning, financing, and carrying out attacks across Iraqi borders and against Iraq’s people. For these reasons, the Government of Iraq has asked that the United States lead international efforts to strike ISIL sites and military strongholds in Syria in order to end the continuing attacks on Iraq, to protect Iraqi citizens, and ultimately to enable and arm Iraqi forces to perform their task of regaining control of the Iraqi borders.</p> <p>ISIL and other terrorist groups in Syria are a threat not only to Iraq, but also to many other countries, including the United States and our partners in the region and beyond. States must be able to defend themselves, in accordance with the inherent right of individual and collective self-defence, as reflected in Article 51 of the Charter of the United Nations, when, as is the case here, the government of the State where the threat is located is unwilling or unable to prevent the use of its territory for such attacks. The Syrian regime has shown that it cannot and will not confront these <u>safe havens</u> effectively itself. Accordingly, the United States has initiated necessary and proportionate military actions in Syria in order to eliminate the ongoing ISIL threat to Iraq, [...]. In addition, the United States has initiated military actions in Syria against al-Qaida elements in Syria known as the Khorasan Group to address terrorist threats that they pose to the United States and our partners and allies.”</p>	
Letter sent in accordance with Art. 51 UNCh?	1 yes S/2014/695							

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	5 humanitarian	<p>Statement by the US President, 7 August 2014, The White House, Office of the Press Secretary, [https://obamawhitehouse.archives.gov/the-press-office/2014/08/07/statement-president]: “When we face a situation like we do on that mountain -- with innocent people facing the prospect of violence on a horrific scale, [...] when we have the unique capabilities to help avert a massacre, then I believe the United States of America cannot turn a blind eye. We can act, carefully and responsibly, to prevent a potential act of genocide. That’s what we’re doing on that mountain.”</p> <p>Background Briefing by Senior Administration Officials on Iraq, 8 August 2014, The White House, Office of the Press Secretary, [https://obamawhitehouse.archives.gov/the-press-office/2014/08/08/background-briefing-senior-administration-officials-iraq]: “Similarly, we believe that there is an urgent humanitarian challenge that further poses a threat to U.S. interests. As I said this rises to the level of a potential act of genocide when you have an entire group of people being targeted for killing, and you have a population of the size that is on Mount Sinjar that is threatened with starvation as one option, or, as the President said, coming down that mountain and potentially being massacred by ISIL. [...] It is a core interest of the United States to protect our personnel and facilities, and also to prevent what would be an act of genocide, where you have ISIL threatening an entire population of people with elimination and acting on those threats.”</p>

	Code	Material
6. UNSC Reaction	3 unclear	<p>Res. 2249, 20 November 2015, S/RES/2249 (2015): “Determined to combat by all means this unprecedented threat to international peace and security, [§ 5] Calls upon Member States that have the capacity to do so to take all necessary measures, in compliance with international law [...] on the territory</p>

		<p>under the control of ISIL also known as Da’esh, in Syria and Iraq, to redouble and coordinate their efforts to prevent and suppress terrorist acts committed specifically by ISIL [...] and to eradicate the safe haven they have established over significant parts of Iraq and Syria;”</p> <p>Presidential Statement of 19 September 2014, S/PRST/2014/20: “The Security Council urges the international community, in accordance with international law to further strengthen and expand support for the Government of Iraq as it fights ISIL and associated armed groups [...].”</p>
7. UNGA Reaction	4 no reaction	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>### Regarding Iraqi territory:</p> <p>Iraq: Letter from Iraq to the SC, 22 September 2014, S/2014/691: “Iraq is grateful for the military assistance it is receiving, including the assistance provided by the United States of America in response to Iraq’s specific requests. Iraq and the United States have entered into a Strategic Framework Agreement, and that Agreement will help to make such assistance more effective and enable us to make great advances in our war against ISIL. Although Iraq is in great need of the assistance of its friends in combatting this evil terrorism, it nonetheless attaches great importance to preserving its sovereignty and its ability to take decisions independently, both of which must be honoured in all circumstances.”</p> <p>United Kingdom: Summary of the government legal position on military action in Iraq against ISIL, Policy Paper by the Prime Minister’s Office, 25 September 2014, [https://www.gov.uk/government/publications/military-action-in-iraq-against-isil-government-legal-position/summary-of-the-government-legal-position-on-military-action-in-iraq-against-isil]: “International law is clear that the use of force in international relations is prohibited, subject to limited exceptions. However, international law is equally clear that this prohibition does not apply to the use of military force by one State on the territory of another if the territorial State so requests or consents. It is clear in this case that Iraq has consented to the use of military force to defend itself against ISIL in Iraq. For several months, Iraq has made clear that they want support from the international community to defeat ISIL and protect Iraq’s people and territory.”</p> <p>SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 16: “ We strongly support the approach set out by President Obama last week, which builds on a strong international coalition working with Governments in the region and others in order to defeat the threat from ISIL. We must work</p>

	<p>together to drive back, dismantle and, ultimately, destroy ISIL for what it stands for. We must use all the tools at our disposal — humanitarian, diplomatic, political and military — to squeeze ISIL.”</p> <p>China: Annex II to a Letter from the President of the SC to the SG and Members of the SC, 15 May 2020, S/2020/397, p. 5:“ First, we should fully respect Iraq’s sovereignty, political independence and territorial integrity. [...] Any military action on Iraqi territory must be subject to the consent of the Iraqi Government.”</p> <p>Rwanda: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 8: “Secondly, we should take advantage of the existing building blocks. We acknowledge the active role played by the United States in building a coalition to fight the terrorist group. The upcoming Security Council meeting on foreign terrorist fighters that President Obama will preside over next week will be another opportunity to garner global support for the effort. We are also encouraged by the outcome of the Jeddah ministerial conference held on 11 September, which brought together States members of the Gulf Cooperation Council, as well as Egypt, Iraq, Turkey, Jordan and Lebanon. We commend their resolve for a coordinated military campaign against ISIL.”</p> <p>Luxemburg: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 12: “In the face of those crimes, the extremism of this terrorist group, which is neither a State nor Islamic and which seeks to destabilize Iraq and the entire region, the international community must act. It must take the necessary measures to help the Iraqi authorities to fight the scourge of ISIL [...] We support the commitment of the coalition launched by the United States at the request of the Iraqi authorities and with the active support of the countries of the region.”</p> <p>Chad: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 14: “We are providing our unflagging support to the United States, the States of the region, France and other partners, which are doing all they can to prevent the Islamic State in Iraq and the Levant, or Daesh, from being able to cause harm. [...] we believe it is necessary to combat Daesh</p>
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	<p>politically, militarily and ideologically by integrating the local and regional complexities into the strategies of an international coalition.”</p> <p>Russia: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 18: “We believe that the unprecedented rise of extremist sentiment in its bloodiest form is the main threat to the region. Eradicating it through collective efforts should be a priority for the international community. However, we should not cling to ideological approaches and double standards, dividing terrorists into bad ones who should be destroyed, and not-very-bad ones with whom we can supposedly work together for the sake of selfish national interests and regime change. We will end up in a vicious circle if we bomb fighters in one place and protect them and prepare them for growing change in another. [...] In order to establish a truly broad international coalition, any action aimed at combating the threat of ISIL and groups like it must be carried out in accordance with the principles of the Charter of the United Nations and the standards of international law, based on existing anti-terrorism instruments of the United Nations, and in close cooperation with the Governments of the region. An international anti-terrorist operation should be conducted either with the consent of the sovereign Governments or sanctioned by the Security Council. We consider other options to be unlawful and detrimental to international and regional stability.”</p> <p>Lithuania: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 21: “The international community must <u>stand firmly with Iraq</u> by providing the necessary economic, financial and <u>military support</u>.”</p> <p>Germany: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 23: “In Syria and Iraq, we are witnessing the return of barbarism. We are faced with an enemy that is not only a threat for Iraq or Syria or the Middle East, but a threat to all of us. We need to act. Fortunately, the international community has heard the call in Newport, Jeddah and Paris. Nations have met to confront the Islamic State in Iraq and the Levant (ISIL) together. The Security Council consolidated the international alliance against this brutal enemy that is violating the principles of the Charter of the United Nations and violating humankind itself.”</p>
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	<p>Spain: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 25: “[T]he international community must respond to the request of the legitimate Government of Iraq. [...] we will support operations by providing the use of Spanish bases; support and participate in strategic transportation efforts; contribute capacity, including air support, leadership, security and intelligence; participate in advising and standing up military units, in keeping with the priorities of the Iraqi military; and facilitate the supply of military equipment to the legitimate Government of Iraq.”</p> <p>Norway: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 26: “Furthermore, Norway is ready to send military planning officers to assist the international fight against ISIL in Iraq. We will also consider further contributions to build military capacity.”</p> <p>The Netherlands: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 28: “If we want to defeat the obscurantist, nihilistic ideology embodied by ISIL, a holistic approach will be necessary. Military steps are necessary, but not sufficient.”</p> <p>Oman: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 32: “As you know, Sir [addressing the President of the Security Council, US Secretary of State John Kerry], we hope that efforts by the international coalition to vanquish terrorist groups and terrorism itself in the Middle East will be successful.”</p> <p>Georgia: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 33: “Georgia fully supports the efforts of the coalition to defeat ISIL and bring peace to the region.”</p> <p>Belgium: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 35: “Regarding actual military action, Belgium urges</p>
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	<p>that any international action’s legitimacy be reinforced, insofar as political conditions permit, by a United Nations resolution.”</p> <p>Iran: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 36: “[The international coalition] must expand support for the Iraqi Government as it fights ISIL, helping it to strengthen the national unity and territorial integrity of Iraq and encouraging its all-inclusive political system.”</p> <p>Japan: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 36: “The Government of Japan firmly denounces any form of terrorism and strongly supports the fight against terrorism conducted by the Iraqi Government and other States.”</p> <p>Finland: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 38: “The global threat of ISIL can be successfully countered only by means of a broad and inclusive coalition supported by the United Nations. It is important that the Governments most directly threatened by ISIL play a prominent role in this endeavour. We welcome the United States initiative to build such a coalition to address the danger posed by ISIL. We also welcome the fact that the Security Council has voiced itself clear on this subject, and hope that the Council remains persistent in supporting the international efforts. As President Obama underscored, success will not be achieved only by military means. [...] We recognize the need to respond through military means, although we are not planning to participate in combat actions or arms deliveries.”</p> <p>Poland: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 41: “The international coalition [...] deserves our recognition and support. We are aware of the fact that a strategy to combat ISIL cannot limit itself to a military operation.”</p>
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	<p>Albania: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 42: “While ISIL is a direct threat to Iraq and Syria, it is also a threat to peace and security at large and to human values, human life and our common civilization. The adoption by the Council of resolution 2170 (2014) was a first step in the right direction, but there is an urgent need for bolder action. We welcome presidential statement S/PRST/2014/20, adopted earlier this afternoon. We applaud in particular the firm stand taken by the United States, as outlined by President Obama a few days ago and by Secretary Kerry here this afternoon, as well as the actions taken by other partners and allies. For all those reasons, from the beginning of the crisis, Albania joined the international coalition so as to fight and eradicate ISIL.”</p> <p>New Zealand: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 42: “[W]e welcome the determination of the United States and of others to address the global threat posed by ISIL and the ongoing humanitarian crisis in Iraq.”</p> <p>European Union: Council of the European Union, Council Conclusions on Iraq, 15 August 2014, [https://www.consilium.europa.eu/media/25309/144311.pdf], § 3: “The EU welcomes the US efforts to support the Iraqi national and local authorities in their fight against ISIL [...]”.</p> <p><i>### Regarding Syrian territory:</i></p> <p>Syria: Letter from Syria to the SG and the President of the SC, 17 September 2015, S/2015/718, p. 2: Syria also reiterates that the United Nations must take a comprehensive approach to counter-terrorism and eschew the sophistry that was recently deployed by certain States, including the United Kingdom, the United States, France, Australia and Belgium in order to mount an assault on the Charter of the United Nations, abdicate their responsibilities and justify their insincere counter-terrorism efforts and their violations of State sovereignty.”</p> <p>Letter from Syria to the SG and the President of the SC, 22 September 2015, A/70/385–S/2015/727, p. 2: “The United States, Britain, France, Canada and Australia have sought to justify their intervention in Syria by citing the fight against ISIL. They have invoked Article 51 of the Charter of the United Nations, but have not consulted with the</p>
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	<p>Syrian Government. That course of action distorts the provisions of the Charter and manipulates international law. Such an assault on Syrian sovereignty will merely give terrorism a freer hand.”</p> <p>Letter from Syria to the SG and the President of the SC, 16 November 2015, S/2015/851: “Aircraft of the so-called international coalition led by the United States of America continue to violate the sovereignty of Syria under the pretext that they are targeting the Islamic State in Iraq and the Levant (ISIL) terrorist organization. [...] The bombardment by coalition aircraft of the power stations east of Aleppo city and other infrastructure in various parts of Syria is a heinous act of aggression [...]. [...] The Government of the Syrian Arab Republic reiterates its stated position that the air raids conducted by the United States of America and its alliance inside the territory of the Syrian Arab Republic are illegal. Those raids are taking place without the prior approval of and in the absence of coordination with the Syrian Government, in violation of international law and the Charter of the United Nations. The Government calls for the cessation of these American Western operations against the infrastructure of Syria and stresses that they will not contribute anything to the war against ISIL.</p> <p>SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 43: “We therefore reaffirm that any international counter-terrorism effort must be based on full respect for the Charter and the provisions and principles of international law, in particular those upholding the sovereignty of States. Accordingly, there is a need to coordinate upstream with the Syrian Government in the framework of any credible efforts to combat terrorism.”</p> <p>Russia: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 19: “The publicly expressed intentions to strike ISIL’s positions on Syrian territory without the cooperation of the Government in Damascus are extremely disturbing. That would not only be a gross violation of the fundamental norms of international law, but could also have destructive practical consequences, including for the humanitarian situation in Syria.”</p> <p>The Guardian, Isis air strikes: Obama's plan condemned by Syria, Russia and Iran, 12 September 2014, [https://www.theguardian.com/world/2014/sep/11/assad-moscow-tehran-condemn-obama-isis-air-strike-plan]: “The US president has spoken directly about the possibility of strikes by the US armed forces against Isil positions in</p>
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	<p>Syria without the consent of the legitimate government," said a [Russian] spokesman. "This step, in the absence of a UN security council decision, would be an act of aggression, a gross violation of international law."</p> <p>SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 18: "An international anti-terrorist operation should be conducted either with the consent of the sovereign Governments or sanctioned by the Security Council. We consider other options to be unlawful and detrimental to international and regional stability."</p> <p>China: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 20: "In its pursuit of international counter-terrorism cooperation, the international community should respect the sovereignty, independence and territorial integrity of the countries concerned."</p> <p>Iran: Loveday Morris, 'Arab backing for U.S.-led airstrikes in Syria widens front against Islamic State', The Washington Post, 23 September 2014, [https://www.washingtonpost.com/world/arab-backing-to-us-led-airstrikes-in-syria-widens-front-against-islamic-state/2014/09/23/85664a44-430c-11e4-b437-1a7368204804_story.html]: Iranian President Hassan Rouhani, for his part, called for a "resolute fight" against Islamic State "terrorists" but said the <u>American attacks in Syria</u> "do not have any legal standing." Speaking in a meeting in New York with senior editors of news organizations, he noted that Syria had not agreed to the bombardment and said it was not carried out under the "rules of the United Nations." He described the airstrikes as an "attack" on Syria.</p> <p>Heather Saul, 'Syria air strikes: Iran "says US attacks on Isis are illegal"', The Independent, 23 September 2014, [https://www.independent.co.uk/news/world/middle-east/syria-air-strikes-iran-says-us-attacks-on-isis-are-illegal-9751245.html]: "The US-led air strikes on Isis targets in Syria are illegal and should have been conducted only after receiving consent from the Syrian government, Iran's President Hassan Rouhani has reportedly said.</p> <p>SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 35: "In addition to military interventions, attempts to socially engineer Middle Eastern societies — reflected, inter alia, in the failed initiatives that originated in and were sponsored by certain Western Powers — are another aspect of the illusions held by certain outside Powers over the past decade. The military adventures and non-military interventions in the region, along with the ensuing waves of slaughter and blood feuds, have helped to radicalize vulnerable youth and have created the perfect conditions for vicious bands of extremists to turn to their advantage. I doubt that anybody disagrees with me that extremism is much</p>
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	<p>stronger and more widespread in the Middle East today than it was in 2001. In view of the foregoing, and based on the experience built up over the past decade, we believe that any real and genuine initiative to remedy regional predicaments must originate from within the region and be based on regional cooperation. Combating extremism is not an exception to that rule. [...] The international coalition against ISIL [...] has yet to decide to pursue a serious strategy. [...] A successful fight against ISIL requires helping the relevant central authorities to deal with that menace. Any strategy that undermines those authorities, including the Syrian Government, which resisted ISIL for several years, or that differentiates between segments of the population in terms of protection, <u>will be a recipe for defeat.</u>"</p> <p>Ecuador: Olivier Corten, The 'Unwilling or Unable' Test: Has it Been, and Could it be, Accepted?, Leiden Journal of International Law (2016), 29, pp. 777–799 (788): "Ecuador denounced the illegality of the [Us-American] intervention."</p> <p>Cuba: Olivier Corten, The 'Unwilling or Unable' Test: Has it Been, and Could it be, Accepted?, Leiden Journal of International Law (2016), 29, pp. 777–799 (788, 789): "Cuba rejected 'any attempt to undermine the sovereignty, independence, and territorial integrity of Syria'."</p> <p>Brazil: SC Provisional Meeting Record, 17 May 2018, S/PV.8262, p. 44: "Given the spread of terrorism, there have been attempts to depart from the collective security system towards actions that reflect pre-Charter understandings. They have included reinterpretations of the law on self-defence as well as problematic readings on the letter of Article 2, paragraph 4, of the Charter. Some have been arguing that self-defence could be applied as a response to non-State actors, sometimes adding as a condition the criterion of unwillingness or inability on the part of the territorial State. Brazil does not agree with such interpretations."</p> <p>General Assembly Official Records, 17 October 2017, A/C.6/72/SR.4, § 32: "Some interpretations regarding the scope and content of self-defence arising in counterterrorism scenarios might not be adequate or advisable, as they might set dangerous precedents. Silence regarding such interpretations, such as the so-called "unwilling and unable" doctrine, should not be understood as acquiescence or as proof of opinio juris."</p>
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	<p>Community of Latin American and Caribbean States (CELAC): Statement of the Permanent Mission of the Republic of El Salvador on behalf of the Community of Latin American and Caribbean States (CELAC) during the United Nations' Special Committee on the Charter of the United Nations and the Strengthening of the Role of the Organization, New York, 20–28 February 2018, [https://celac.rree.gob.sv/wp-content/uploads/2018/02/Statement-CELAC-Charter-Committee-Feb-2018.pdf], p. 4 : “CELAC has noted an increase in the number of letters addressed to the President of the Security Council under Article 51 of the Charter regarding military action, in the context of counterterrorism. As it has been noted before by the Group, this is an issue of concern ... There are also underlying concerns stemming from attempts to reinterpret the law on selfdefense and de facto expand an exception to the general prohibition to the use of force contained in article 2.4 of the Charter, in an irregular manner.”</p> <p>Mexico: SC Provisional Records, 6 February 2018, S/PV.8175, p. 57, 58: “The second issue that Mexico wishes to draw attention to are the continuous references to Article 51 of the Charter of the United Nations by some States to address threats to international peace and security with military action, especially against non-State actors. Mexico is troubled that such a practice, coupled with the ambiguous language of recent Council resolutions, runs the risk of a de facto broadening of exceptions to the general prohibition on the use of force, as set out in Article 2, paragraph 4, of the Charter of the United Nations, in an irregular manner.”</p> <p>Angola: SC Provisional Meeting Records, 30 September 2015, S/PV.7527, p. 18: “We are of the view that extremism in the Middle East has root causes in foreign interference in the affairs of States, in policies addressed to regime change translated into military interventions, and in the funding and transfer of arms to non-State actors and opposition groups, [...]”</p> <p>Belarus: SC Provisional Meeting Records, 30 September 2015, S/PV.7527, p. 65, 66: “Similarly, the fragmenting of counterterrorism efforts in terms of coalitions that are pursuing their own political aims and the involvement of non-State entities will inevitably lead to a worsening of the terrorist threat and the threat of extremism. In that regard, we see that the only viable option is to take action based on Security Council decisions. [...] Finally, given the most recent</p>
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	<p>events, we welcome the involvement of new States in actively countering terrorism, particularly in those cases when such involvement takes place at the request of legitimately elected Governments."</p> <p>South Africa: SC Provisional Meeting Records, 30 September 2015, S/PV.7527, p. 80: "Other factors, including socioeconomic ones, interference by outside parties and the pursuance of the regime change doctrine by some has also played a significant role in perpetuating conflicts and instability."</p> <p>Kazakhstan: SC Provisional Meeting Records, 30 September 2015, S/PV.7527, p. 50: "We must all reject the unconstitutional and illegal use of military force, including external foreign military interventions, which lead only to the destruction of statehood."</p> <p>Netherlands: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 28: "We have to go beyond the borders that ISIL has rendered futile. ISIL cannot be defeated in Iraq alone and should be confronted in Syria as well."</p> <p>Denmark: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 38: "[T]he international community must be steadfast in its support to moderate forces, not only in Iraq but also in neighbouring countries, especially of course in Syria, where the long-term goal of peace must still be sought. We must aid groups willing to counter the influence of ISIL and instead present a more inclusive and peaceful vision for the future of their societies."</p> <p>Saudi Arabia: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 40: "Terrorist actions should be tracked and counterterrorism efforts must be strengthened by putting a stop to the prime source of all of the violence, namely, the Syrian regime. ISIL and the Syrian regime are but opposite sides of the same coin; therefore, concerted action</p>
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		<p>should be based on supporting the legitimate Syrian opposition, represented by the Syrian National Coalition, to enable it to respond both to ISIL and to the regime, which is supporting ISIL in its own interests.”</p> <p>India: SC Provisional Meeting Records, 30 September 2015, S/PV.7527, p. 77: “India has consistently called for a comprehensive and peaceful resolution of the crisis by bringing all parties to the conflict to the negotiating table. It has to be a Syrian-led process, taking into account the legitimate aspirations of the people of Syria. There can be no military solution.”</p>
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900 Australia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					.7 validity	Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 general / abstract scope			
1 self-defence	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	<p>### Regarding Syrian territory:</p> <p>Letter from Australia to the President of the SC, 9 September 2015, S/2015/693: “I am writing, in accordance with Article 51 of the Charter of the United Nations, to report to the Security Council that Australia is taking measures against the Islamic State in Iraq and the Levant (ISIL) in Syria in support of the collective self-defence of Iraq as part of international efforts led by the United States. [...] Attacks by ISIL in Iraq from safe havens in Syria continue. Article 51 of the Charter of the United Nations recognizes the inherent right of States to act in individual or collective self-defence where an armed attack occurs against a</p>	

						<p>Member of the United Nations. States must be able to act in self-defence when the Government of the State where the threat is located is unwilling or unable to prevent attacks originating from its territory. The Government of Syria has, by its failure to constrain attacks upon Iraqi territory originating from ISIL bases within Syria, demonstrated that it is unwilling or unable to prevent those attacks. In response to the request for assistance by the Government of Iraq, Australia is therefore undertaking necessary and proportionate military operations against ISIL in Syria in the exercise of the collective self-defence of Iraq."</p> <p><i>### However:</i></p> <p>Interview with Prime Minister Tony Abbot given on 16 September 2014, reproduced in Olivier Corten, The 'Unwilling or Unable' Test: Has it Been, and Could it be, Accepted?, Leiden Journal of International Law (2016), 29, pp. 777–799 (781): "President Obama has certainly indicated that US forces will strike ISIL inside Syria if needs be. That is not Australia's intention at this time. I don't rule it out but it is not our intention at this time because as you rightly say the legalities of operating inside Syria which is ungoverned space with a regime we don't actually recognise, the legalities of operating inside Syria are quite different from the legalities of operating inside Iraq at the request and in support of the Iraqi government."</p>
Letter sent in accordance with Art. 51 UNCh?	1 yes S/2015/693					

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 general / abstract scope	.7 validity	
3 invitation	4 no spec.	2 No	2 No	2 No	2 No	2 No	<i>### Regarding Iraqi territory:</i>

						<p>Australian Prime Minister, Interview from 16 September 2014, [as cited in Dapo Akande & Zachary Vermeer, <i>The Airstrikes against Islamic State in Iraq and the Alleged Prohibition on Military Assistance to Governments in Civil Wars</i>, 2 February 2015, EJIL: Talk!, [https://www.ejiltalk.org/the-airstrikes-against-islamic-state-in-iraq-and-the-alleged-prohibition-on-military-assistance-to-governments-in-civil-wars/]]: “to operate in Iraq with the support, the consent, the approval, the welcome of the Iraqi government is perfectly, perfectly legal under international law”</p> <p>SC Provisional Meeting Records, 24 September 2014, S/PV.7272, p. 15: „Our combat aircraft and special forces are now in the Middle East preparing to join the international coalition to disrupt and degrade ISIL at the request of the Iraqi Government.“</p> <p>SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 9: “ISIL’s actions leave in no doubt the severity of the threat to the region and the wider world. It poses a threat to Australia, our friends in South-East Asia and beyond. We have seen it before — extremists and foreign fighters, returning home — responsible for terrorist attacks in our region. [...] Australia has announced its preparedness to do more to help Iraq and its partners in the fight. In cooperation with Iraq, we are deploying a military force to the region for possible involvement in a United States-led effort to support Iraq against ISIL. We are willing to provide strike, early warning and air-to-air refueling aircraft, and a special forces task group to advise and assist the Iraqi security forces. That is a prudent and proportionate response to the threat posed by that murderous terrorist organization. [...] The international community cannot stand by and do nothing in the face of ISIL’s threat to humanity. That is why Australia is joining international partners to assist the Iraqi Government in its fight against ISIL.”</p>
Letter sent in accordance with Art. 51 UNCh?	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<i>see United States 6</i>
7. UNGA Reaction	4 no reaction	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>See United States 9</p> <p>Syria: Letter from Syria to the SG and the President of the SC, 21 September 2015, S/2015/719, p. 1: „I write to inform the Security Council that the United Kingdom, Australia and France are currently taking military measures against the Syrian Arab Republic. To that end, they invoke a distorted reading of the intention of Article 51 of the Charter of the United Nations, one that is blatantly inconsistent with the Charter and the resolutions of the Security Council, [...] France, Britain and Australia claim that they are taking such measures at the request of the Republic of Iraq and in support of the right of Iraq to self-defence. In that connection, the Government of the Syrian Arab Republic wishes to explain the following points: Syria is surprised that certain States, some of which are permanent members of the Security Council, are violating international law and the Charter of the United Nations and have the temerity to explain their actions by distorting the meaning of this important and sensitive paragraph of the Charter in a manner</p>

		<p>that risks causing chaos and wars across the world. Syria has not made any request to that effect. [...] If any State invokes the excuse of counter-terrorism in order to be present on Syrian territory without the consent of the Syrian Government, whether on the country's land or in its airspace or territorial waters, its actions shall be considered a violation of Syrian sovereignty. Combating terrorism on Syrian territory requires close cooperation and coordination with the Syrian Government in accordance with the counter-terrorism resolutions of the Security Council. [...] [The United Kingdom, Australia and France] must also cease violating and distorting the meaning of Article 51 of the Charter of the United Nations."</p> <p>United States: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 7: "Regarding military support, countries in the region and around the world are already providing assistance, both in terms of kinetic action and also in the form of training, advising, equipping, providing logistical support and so on. In the region, countries such as Egypt have committed to significantly enhancing the coordination between its forces and Iraqi and Kurdish forces. But even further away from Iraq, countries such as Australia are committing to deploying fighter jets, support aircraft and personnel. Germany, in recognition of the grave threat posed by ISIL, reversed its long-standing policy against offering lethal aid. Last night, France conducted its first air strikes against ISIL targets in Iraq. These forms of assistance, provided at the request of Iraq and in full respect for its sovereignty, are essential to combating ISIL, but they are only one part of the comprehensive approach that is required."</p>
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692 Bahrain

	Code
Law invoked?	2 No

2014-2017	Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 general / abstract scope	.7 validity	
0	0	0	0	0	0	0	<p>SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 30: “The fight against Daesh requires joint action at the regional and international levels in three crucial arenas — the military, the financial and the ideological. Concerning military operations, it is essential that countries join Iraq in its fight against Daesh by providing the requisite level of support. [...] Today, Bahrain stands ready to join its allies in the region and the world and to contribute its share to the necessary fight against Daesh. We firmly believe that the time has come for countries of the region to take the lead in fighting the terrorist groups among us. [...] I would like to take this opportunity to offer Bahrain’s support to His Excellency Prime Minister Haider Al-Abadi and his newly formed Cabinet. We are confident that the new Iraqi Government is seeking to set a new way forward for Iraq, one that will return the country to the path of peace, security and stability.</p> <p>Olivier Corten, The ‘Unwilling or Unable’ Test: Has it Been, and Could it be, Accepted?, <i>Leiden Journal of International Law</i> (2016), 29, pp. 777–799 (783): “Moreover, and more importantly, the Arab states, which form a significant part of the states participating in the coalition, refused to endorse the ‘unwilling or unable’ argument. Actually, despite all the debates that took place within the Security Council or the General Assembly, those states did not deem it appropriate to put forth any legal argument at all. After beginning their military intervention on Syrian territory, those states did not send any report to the Security Council, as required by Article 51 of the UN Charter.”</p>
Letter sent in accordance with Art. 51 UNCh?	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<i>see United States 6</i>
7. UNGA Reaction	4 no reaction	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Australia 9</i>

211 Belgium

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 general / abstract scope	.7 validity	
1 self-defence	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	<p>### Regarding Syrian territory:</p> <p>Letter from Belgium to the SC, 9 June 2016, S/2016/523: “On behalf of my Government, I am writing the present letter to report to the Security Council that, in accordance with Article 51 of the Charter of the United Nations, the Kingdom of Belgium is taking necessary and proportionate measures against the terrorist organization “Islamic State in Iraq and the Levant” (ISIL, also known as Da’esh) in Syria in the exercise of the right of collective self-defence, in response to the request from the Government of Iraq. The Security Council determined in its resolution 2249 (2015) of 20 November 2015 that ISIL constituted a global and unprecedented threat to international peace and security and it called upon Member States to eradicate the safe haven that ISIL had established over significant parts of Iraq and Syria. In that respect, the Security Council noted the letters dated 25 June 2014 (S/2014/440) and 20 September 2014 (S/2014/691) from the Government of Iraq stating that ISIL had established a safe haven outside of the borders of Iraq that was a direct threat to the security of the Iraqi people and territory. ISIL has occupied a certain part of Syrian territory over which the Government of the Syrian Arab Republic does not, at this time, exercise effective control. In the light of this exceptional situation, States that have been subjected to armed attack by ISIL originating in that part of the Syrian territory are therefore justified under Article 51 of the Charter to take necessary measures of self-defence. Exercising the right of collective self-defence, Belgium will support the military measures of those States that have been subjected to attacks by ISIL. Those measures are directed against the so-called “Islamic State in Iraq and the Levant” and not against the Syrian Arab Republic.”</p> <p>### Regarding Iraqi territory:</p> <p>Chambre des Représentants de Belgique, Résolution sur la situation en Irak et la participation de la Belgique à la Coalition Internationale contre l’EI, 26 September 2014, DOC 54 0305/004, p. 4: „la demande irakienne d’assistance — qui au niveau du droit</p>

						<p>international suffit à justifier une action militaire en Irak contre l'EI (conformément à l'article 51 du Chapitre VII de la Charte des Nations Unies)" [Unofficial translation: „the Iraqi request for assistance - which <u>under international law is sufficient to justify military action</u> in Iraq against ISIS (under Article 51 of Chapter VII of the UN Charter)“]</p> <p>SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 34: “[ISIL] is not only a threat to the region, it is a threat to us all. That is why it requires that the international community mobilize to an unprecedented degree. But while military intervention may be needed to stop ISIL's progress on land, we believe that any long-term solution must be a political one. [...] As my colleague from the Netherlands emphasized a short while ago, thousands of Western jihadists are fighting in Iraq and Syria, and Belgium has not been spared. Hundreds of young Belgians have joined the conflict or are considering it, and a murderous attack by a jihadist who had returned to Belgium took place in the heart of Brussels in May. [...] We expect to contribute to the military coalition initiated by the United States in Iraq, whether through air support missions, transportation support, military training or other means.”</p>
Letter sent in accordance with Art. 51 UNCh?	1 yes S/2016/523					

2.1 Justificatory claim	.2 Source of law	Contestation about					.7 validity	Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 general / abstract scope			
3 invitation	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### Regarding Iraqi territory :</p> <p>Chambre des Représentants de Belgique, Résolution sur la situation en Irak et la participation de la Belgique à la Coalition Internationale contre l'EI, 26 September 2014, DOC 54 0305/004, p. 4: „la demande irakienne d'assistance — qui au niveau du droit international suffit à justifier une action militaire en Irak contre l'EI (conformément à l'article 51 du Chapitre VII de la Charte des Nations Unies)" [Unofficial translation: „the Iraqi</p>	

							request for assistance - which under international law is sufficient to justify military action in Iraq against ISIS (under Article 51 of Chapter VII of the UN Charter)“]
Letter sent in accordance with Art. 51 UNCh?	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	12 legitimization by UNSC	Letter from Belgium to the SC, 9 June 2016, S/2016/523: “The Security Council determined in its resolution 2249 (2015) of 20 November 2015 that ISIL constituted a global and unprecedented threat to international peace and security and it called upon Member States to eradicate the safe haven that ISIL had established over significant parts of Iraq and Syria. In that respect, the Security Council noted the letters dated 25 June 2014 (S/2014/440) and 20 September 2014 (S/2014/691) from the Government of Iraq stating that ISIL had established a safe haven outside of the borders of Iraq that was a direct threat to the security of the Iraqi people and territory.”

	Code	Material
6. UNSC Reaction	3 unclear	<i>see United States 6</i>
7. UNGA Reaction	4 no reaction	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Australia 9</i>

390 Denmark

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					.7 validity	Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 general / abstract scope			
1 self-defence	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	Letter from Denmark to the SC, 13 January 2016, S/2016/34: "I am writing in accordance with Article 51 of the Charter of the United Nations to report to the Security Council that the Kingdom of Denmark, as called for by the Council in its resolution 2249 (2015) and in response to the request by the Government of Iraq, is taking necessary and proportionate measures against the so-called Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) in Syria in exercise of the inherent right of collective self-defence as part of international efforts led by the United States of America. [...] In accordance with Article 51 of the Charter of the United Nations , the Kingdom of Denmark is taking measures against ISIL in support of this call."	
Letter sent in accordance with Art. 51 UNCh?	1 yes S/2016/34							

	Source	Contestation about	Material
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2.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 general / abstract scope	.7 validity	
3 invitation	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p><i>Regarding Iraqi territory:</i></p> <p>SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 37: “Denmark stands ready to join the Members of the United Nations in collectively confronting the growth of extremism embodied in the brutal shape of the Islamic State in Iraq and the Levant (ISIL), an organization that is fundamentally opposed to the values and principles at the core of the United Nations. ISIL is an organization that, in the most brutal way, now controls large areas of Iraq and Syria and has the ambition to go even farther. [...] Denmark is committed to supporting Iraq and assisting its Government in its fight against ISIL. We have already provided political, military and humanitarian assistance. A Danish military transport aircraft and a logistical team have assisted the forces combating ISIL in Iraq through airlifting military equipment.”</p>
Letter sent in accordance with Art. 51 UNCh?	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	12 legitimization by UNSC	Letter from Denmark to the SC, 13 January 2016, S/2016/34: “[...] the Kingdom of Denmark, as called for by the Council in its resolution 2249 (2015) [...] is taking necessary and proportionate measures against the so-called Islamic State in Iraq and the Levant (ISIL, also known as Da’esh) in Syria in exercise of the inherent right of collective self-defence as part of international efforts led by the United States of America. The Security Council recognized in its resolution 2249 (2015) that ISIL constitutes a global and unprecedented threat to international peace and security. In this respect, the Council noted the letters dated 25 June 2014 and 20 September 2014 from the Government of Iraq stating that ISIL has established a safe haven outside Iraq’s borders that is a direct threat to the security of the Iraqi people and territory. Furthermore, the Council condemned the horrifying terrorist attacks perpetrated by ISIL including in Sousse, Ankara, Beirut and Paris and over Sinai, and noted that ISIL has the capability and intention to carry out further attacks. The Security Council called upon Member States to prevent and suppress terrorist acts committed by ISIL and to eradicate the safe haven ISIL has established over significant parts of Iraq and Syria. In accordance with Article 51 of the Charter of the United Nations, the Kingdom of Denmark is taking measures against ISIL in support of this call.”
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	Code	Material
6. UNSC Reaction	3 unclear	<i>see United States 6</i>
7. UNGA Reaction	4 no reaction	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Australia 9</i>

220 France

	Code
Law invoked?	1 Yes

2 S U R C E	Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 general / abstract scope	.7 validity	
1 self-defence	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	<p>Regarding Syrian territory:</p> <p>Identical Letters to the SC and SG, 9 September 2015, S/2015/745: “By resolutions 2170 (2014), 2178 (2014) and 2199 (2015) in particular, the Security Council has described the terrorist acts of Islamic State in Iraq and the Levant (ISIL), including abuses committed against the civilian populations of the Syrian Arab Republic and Iraq, as a threat to international peace and security. Those acts are also a direct and extraordinary threat to the security of France. In a letter dated 20 September 2014 addressed to the President of the Security Council (S/2014/691), the Iraqi authorities requested the assistance of the international community in order to counter the attacks perpetrated by ISIL. In accordance with Article 51 of the Charter of the United Nations, France has taken actions involving the participation of military aircraft in response to attacks carried out by ISIL from the territory of the Syrian Arab Republic.”</p> <p>EU Briefing, ‘The EU’s Mutual Assistance Clause’, November 2015, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2015/572799/EPRS_BRI(2015)572799_EN.pdf], p. 1: On 17 November 2015, Article 42(7), or the mutual assistance clause of the Treaty on European Union (TEU), was invoked for the first time, when France asked for aid and assistance from the other European Union (EU) Member States in the aftermath of the deadly terrorist attacks in Paris on 13 November 2015.</p> <p>European Council Briefing, Activation of Art 42(7) TEU, July 2016, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/581408/EPRS_BRI(2016)581408_EN.pdf], p. 1: “On 16 November 2015, French President François Hollande characterised the Paris terrorist attacks of Friday 13 November 2015 as ‘actes de guerre’ and announced France’s decision to activate Article 42(7) TEU (mutual assistance clause). The French Minister for Defence, Jean-Yves le Drian, used the Foreign Affairs Council</p>

						meeting in Brussels the next day to ask his counterparts to provide aid and assistance on the basis of the above-mentioned article.”
Letter sent in accordance with Art. 51 UNCh?	1 yes S/2015/745					

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 general / abstract scope	.7 validity	
3 invitation	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### Regarding Iraqi territory:</p> <p>French Minister for Defence, Meeting Records of the Discussions in Senate, 24 September 2014, [http://www.senat.fr/seances/s201409/s20140924/s20140924001.html]: “Le gouvernement irakien nous <u>appelle à l’aide</u>. Il a demandé le soutien militaire de la France. C’est notre devoir de l’entendre. Aider l’Irak, éviter sa désintégration, c’est aussi éviter une déstabilisation massive de la région.</p> <p>Nous agissons également en conformité avec la Charte des Nations unies, car tout État peut demander souverainement à un autre de lui porter assistance. »</p> <p>Unofficial Translation: The Iraqi government is calling on us for help. It has asked for France's military support. It is our duty to respond. Helping Iraq, avoiding its disintegration, also means avoiding massive destabilization of the region. We are also acting in accordance with the United Nations Charter, because any State can sovereignly ask another State to assist it.</p> <p>SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 13: “France, in line with its principles and tradition, has decided to shoulder its responsibilities. [...] In Iraq, we have decided to once again shoulder our responsibilities by providing humanitarian aid and military equipment and, today, answering the call by the Iraqi Government to provide air support, in compliance with international law. This morning, on the instructions the President of the Republic, French Rafale aeroplanes intervened against a warehouse</p>

							occupied by the Daesh terrorists near Mosul, in northeastern Iraq. The warehouse was completely destroyed. In the coming days, and without engaging troops on the ground, we will continue our efforts, in coordination with all those who want to commit, and in particular alongside the Iraqi armed forces and the peshmerga. [...] [A]ction in favour of Iraq and against the Daesh terrorists is the common duty of us all. This fight [...] will be won, first and foremost, by the Iraqis themselves. Military support is essential. "
Letter sent in accordance with Art. 51 UNCh?	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	3 maintenance of regional stability	SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 13: "The message of France in this struggle is clear. For peace and against terrorism, we must assume our responsibilities. The Daesh murderers must be fought and beaten; only then will Iraq and the entire region find peace and security. "

	Code	Material
6. UNSC Reaction	3 unclear	<i>see United States 6</i>
7. UNGA Reaction	4 no reaction	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Australia 9</i>

		<p>Syria: SC Provisional Meeting Records, 30 September 2015, S/PV.7527, p. 30: “The actions of the United Kingdom and France in Syrian air space are contrary to the Charter of the United Nations and international law, as well as a flagrant violation of Syria’s national sovereignty. Those who genuinely wish to combat terrorism must coordinate their efforts with the Syrian Government.”</p>
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663 Jordan

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 general / abstract scope	.7 validity	
0	0	0	0	0	0	0	<p>Olivier Corten, The ‘Unwilling or Unable’ Test: Has it Been, and Could it be, Accepted?, Leiden Journal of International Law (2016), 29, pp. 777–799 (783): “Moreover, and more importantly, the Arab states, which form a significant part of the states participating in the coalition, refused to endorse the ‘unwilling or unable’ argument. Actually, despite all the debates that took place within the Security Council or the General Assembly, those states did not deem it appropriate to put forth any legal argument at all. After beginning their military intervention on Syrian territory, those states did not send any report to the Security Council, as required by Article 51 of the UN Charter.”</p>

Letter sent in accordance with Art. 51 UNCh?	1 yes S/2015/221
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1.	3 Maintenance of regional stability	<p><i>### Regarding Iraqi territory:</i></p> <p>SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 11: “We are all concerned about the fight against extremism and in its various manifestations and affiliated groups. We participate actively in regional and international efforts to combat terrorism and to deal with extremism. Our action on the basis of Jordan’s national interests and its clear and sincere position against the terrorism that targets us and has led to crimes on our territory and against our people. Restoring peace, security and stability in the sisterly nation of Iraq directly concerns our own security.”</p> <p>SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 10: “This meeting is taking place on the basis of recent conferences and meetings, in particular the Jeddah meeting, organized by Saudi Arabia and presided over by Prince Saud Al-Faisal, as well as the Paris meeting, presided over by the President of the French Republic, in which Mr. Laurent Fabius also participated. Those meetings sought to mobilize the necessary resources to deal with the terrorist threat and to adopt a different approach in support of the sister nation of Iraq in its clashes with the terrorists who have taken control of vast areas of Syria and Iraq.”</p>
5.2.	4 defence against terrorism	<p><i>### Regarding Iraqi territory:</i></p> <p>SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 11: “We are all concerned about the fight against extremism and in its various manifestations and affiliated groups. We participate actively in regional and international efforts to combat terrorism and to deal with extremism. Our action on the basis of Jordan’s national interests and its clear and sincere position</p>

		against the terrorism that targets us and has led to crimes on our territory and against our people. Restoring peace, security and stability in the sisterly nation of Iraq directly concerns our own security.”
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	Code	Material
6. UNSC Reaction	3 unclear	<i>see United States 6</i>
7. UNGA Reaction	4 no reaction	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see United States and Australia 9</i>

210 Netherlands

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					.7 validity	Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 general / abstract scope			
1 self-defence	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	<p>### Regarding Syrian territory:</p> <p>Letter from the Netherlands to the President of the SC, 10 February 2016, S/2016/132: “In accordance with Article 51 of the Charter of the United Nations, I am writing to report to the Security Council that the Kingdom of the Netherlands is taking necessary and</p>	

						<p>proportionate measures against the so-called Islamic State in Iraq and the Levant (ISIL, also known as Da’esh) in Syria in the exercise of the inherent right of collective self-defence of Iraq. In its resolution 2249 (2015), the Security Council recognized that ISIL/Da’esh constitutes a global and unprecedented threat to international peace and security. It called upon Member States to prevent and suppress terrorist acts committed by ISIL and to eradicate the safe haven that ISIL has established over significant parts of Iraq and Syria. The Council reiterated this call in resolution 2254 (2015). In this respect, the Council noted in resolution 2249 (2015) the letters from the Iraqi authorities stating that ISIL/Da’esh has established a safe haven outside Iraq’s borders that is a direct threat to the security of the Iraqi people and territory, and requesting the United States of America to take the lead in efforts to defend Iraq. Pursuant to this request, the Kingdom of the Netherlands is taking measures against ISIL/Da’esh in accordance with Article 51 of the Charter of the United Nations.”</p> <p>SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 28: “Today, the Netherlands renews its support for the international fight against ISIL. [...] The Netherlands supports the Iraqi and Syrian people with humanitarian, political and security aid and is actively considering a military contribution as well.”</p> <p>SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 28: “ISIL constitutes a direct and imminent threat to the region and countries around the globe, including mine. ISIL is an insult to humanity, and it is mind-boggling to see young people in my country, young men and women, being attracted to that nihilistic ideology.”</p>
Letter sent in accordance with Art. 51 UNCh?	1 yes S/2016/132					

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 general / abstract scope	.7 validity	

3 invitation	1 Treaty	2 No	2 No	2 No	2 No	2 No	<p>### Regarding Iraqi territory:</p> <p>Dutch Foreign Minister before the Committee for Foreign Affairs, [as translated by Raphael Van Steenberghe, A Response to Dapo Akande and Zachary Vermeer, 12 February 2015, EJIL: Talk!, [https://www.ejiltalk.org/the-alleged-prohibition-on-intervening-in-civil-wars-is-still-alive-after-the-airstrikes-against-islamic-state-in-iraq-a-response-to-dapo-akande-and-zachary-vermeer/]]: “[t]he legal basis for the Dutch contribution to the fight [against the Islamic State] derives from the <u>consent</u> of the Iraqi authorities to that contribution”</p>
Letter sent in accordance with Art. 51 UNCh?	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	12 legitimization by UNSC	Letter from the Netherlands to the President of the SC, 10 February 2016, S/2016/132: “In its resolution 2249 (2015), the Security Council recognized that ISIL/Da’esh constitutes a global and unprecedented threat to international peace and security. It called upon Member States to prevent and suppress terrorist acts committed by ISIL and to eradicate the safe haven that ISIL has established over significant parts of Iraq and Syria. <u>The Council reiterated this call</u> in resolution 2254 (2015).”

	Code	Material
6. UNSC Reaction	3 unclear	<i>see United States 6</i>
7. UNGA Reaction	4 no reaction	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	

9. State Reaction	3 unclear	<i>see Australia 9</i>
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670 Saudi Arabia

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 general / abstract scope	.7 validity	
0	0	0	0	0	0	0	<p>SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 40: “My country will continue its efforts to stand by the Iraqi people.”</p> <p>Olivier Corten, The ‘Unwilling or Unable’ Test: Has it Been, and Could it be, Accepted?, <i>Leiden Journal of International Law</i> (2016), 29, pp. 777–799 (783): “Moreover, and more importantly, the Arab states, which form a significant part of the states participating in the coalition, refused to endorse the ‘unwilling or unable’ argument. Actually, despite all the debates that took place within the Security Council or the General Assembly, those states did not deem it appropriate to put forth any legal argument at all. After beginning their military intervention on Syrian territory, those states did not send any report to the Security Council, as required by Article 51 of the UN Charter.”</p>
Letter sent in accordance with Art. 51 UNCh?	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 39: "[T]he Kingdom [of Saudi Arabia] has been a victim and remains a target of terrorism."

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<i>see United States 6</i>
7. UNGA Reaction	4 no reaction	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Australia 9</i>

696 United Arab Emirates

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 general / abstract scope	.7 validity	
0	0	0	0	0	0	0	Olivier Corten, The 'Unwilling or Unable' Test: Has it Been, and Could it be, Accepted?, Leiden Journal of International Law (2016), 29, pp. 777–799 (783): "Moreover, and more importantly, the Arab states, which form a significant part of the states participating in the coalition, refused to endorse the 'unwilling or unable' argument. Actually, despite all the debates that took place within the Security Council or the General Assembly, those states did not deem it appropriate to put forth any legal argument at all. After beginning their military intervention on Syrian territory, those states did not send any report to the Security Council, as required by Article 51 of the UN Charter."
Letter sent in accordance with Art. 51 UNCh?	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	3 maintenance of regional stability	SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 33: “The United Arab Emirates stands firmly against all those who would attempt to compromise the security and stability of Iraq [...] ISIS must be prevented from establishing a safe haven for extremists in our region , a task we can achieve through immediate and comprehensive international action, in coordination with the Iraqi Government, resulting in the development of a comprehensive international strategy. [...] The extremists are trying to establish safe havens in areas already embroiled in conflict [...] ”
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	Code	Material
6. UNSC Reaction	3 unclear	<i>see United States 6</i>
7. UNGA Reaction	4 no reaction	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Australia 9</i>

200 United Kingdom

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		3 facts	.4 interpretation	5. exceptional circumstances	.6 general / abstract scope	7 validity	
1 self-defence	1 Treaty	2 No	1 Yes	2 No	1 Yes	2 No	<p>### Regarding Iraqi Territory:</p> <p>SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 16: “The creation of an extremist so-called caliphate represents a direct threat to the security and stability of the region and to the national security of other States Members of the United Nations, including the United Kingdom. In seeking to establish its extremist State, ISIL is already</p>

						<p>aiming to use the territory it controls to launch attacks against the West, including the United Kingdom, and is clearly contributing to insecurity in the region. [...] So the United Kingdom is ready to take whatever steps are necessary to deal with this threat <u>and keep our country safe.</u>"</p> <p><i>### Regarding Syrian Territory:</i></p> <p>Letter from the UK to the SC and SG, 26 November 2014, S/2014/851: "I am writing <u>in accordance with Article 51 of the Charter of the United Nations</u> to report to the Security Council that the United Kingdom of Great Britain and Northern Ireland is taking measures in support of the collective self-defence of Iraq as part of international efforts led by the United States. These measures are in response to the request by the Government of Iraq for assistance in confronting the attack by the Islamic State in Iraq and the Levant (ISIL) on Iraq, contained in its letter to the President of the Security Council of 20 September 2014 (S/2014/691). The United Kingdom fully supports these international efforts, whose purpose is to end the continuing attack on Iraq, to protect Iraqi citizens and to enable Iraqi forces to regain control of the borders of Iraq by striking ISIL sites and military strongholds in Syria, as necessary and proportionate measures."</p> <p>Letter from the UK to the President of the SC, 8 September 2015, S/2015/688: "In accordance with Article 51 of the Charter of the United Nations, and further to our letter of 25 November 2014 (S/2014/851), I am writing to report to the Security Council that the United Kingdom of Great Britain and Northern Ireland has undertaken military action in Syria against the so-called Islamic State in Iraq and the Levant (ISIL) in exercise of the inherent right of individual and collective self-defence. On 21 August 2015, armed forces of the United Kingdom of Great Britain and Northern Ireland carried out a precision air strike against an ISIL vehicle in which a target known to be actively engaged in planning and directing imminent armed attacks against the United Kingdom was travelling. This air strike was a necessary and proportionate exercise of the individual right of self-defence of the United Kingdom. As reported in our letter of 25 November 2014, ISIL is engaged in an ongoing armed attack against Iraq, and therefore action against ISIL in Syria is lawful in the collective self-defence of Iraq."</p>
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						<p>Letter from the UK to the SC, 3 December 2015, S/2015/928: “In its resolution 2249 (2015), the Security Council recognized that the so-called Islamic State in Iraq and the Levant (ISIL), also known as Daesh, constitutes a global and unprecedented threat to international peace and security. In this respect, the Council noted the letters of the Iraqi authorities stating that ISIL/Daesh is a direct threat to the security of the Iraqi people and territory. Furthermore, the Council condemned horrifying terrorist attacks perpetrated by ISIL/Daesh, including in Sousse, Ankara, Beirut and Paris and over the Sinai, and noted that ISIL/Daesh has the capability and intention to carry out further attacks. ISIL/Daesh members are known to be actively engaged in planning and directing attacks against the United Kingdom from Syria. In accordance with Article 51 of the Charter of the United Nations, and further to our letters of 25 November 2014 (S/2014/851) and 7 September 2015 (S/2015/688), I am therefore writing to report to the Security Council that the United Kingdom of Great Britain and Northern Ireland is taking necessary and proportionate measures against ISIL/Daesh in Syria, as called for by the Council in resolution 2249 (2015), in exercise of the inherent right of individual and collective self-defence.”</p> <p>UK Prime Minister, House of Commons Daily Hansard Debate, 26 September 2014, [https://publications.parliament.uk/pa/cm201415/cmhansrd/cm140926/debtext/140926-0001.htm#1409266000252], Column 1263: “In this case it could not be clearer that we are acting at the request of a sovereign state, and if we were to act in Syria, I believe that would be the legal basis too: collective self-defence against ISIL which threatens Iraq.”</p>
Letter sent in accordance with Art. 51 UNCh	1 yes	S/2014/851, S/2015/688, S/2015/928				

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 general / abstract scope	.7 validity	

5 humanitarian	4 no spec.	2 No	1 Yes	2 No	1 Yes	2 No	<p>### Regarding Syrian territory:</p> <p>UK Prime Minister, House of Commons Daily Hansard Debate, 26 September 2014, [https://publications.parliament.uk/pa/cm201415/cmhansrd/cm140926/debtext/140926-0001.htm#1409266000252], Column 1263f.: Mr David Burrowes (Enfield, Southgate) (Con): “On the question of the legal principle, clearly there is one given the consent from the Iraqi Government, but will the Prime Minister confirm that there is also the important principle of responsibility to protect from genocide, which is on the table, and capable of wider application?”</p> <p>The Prime Minister: “My hon. Friend is absolutely right. There are a variety of legal arguments that can be deployed. [...] But my hon. Friend is absolutely right to say, and I have said this in the House before, that if one is averting a humanitarian catastrophe, that is a legal basis on which to act.”</p>
Letter sent in accordance with Art. 51 UNCh?	0 – not applicable						

3.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 general / abstract scope	.7 validity	
3 invitation	4 no spec.	2 No	2 No	2 No	2 No	2 No	<p>### Regarding Iraqi territory:</p> <p>Summary of the government legal position on military action in Iraq against ISIL, Policy Paper by the Prime Minister’s Office, 25 September 2014, [https://www.gov.uk/government/publications/military-action-in-iraq-against-isil-government-legal-position/summary-of-the-government-legal-position-on-military-action-in-iraq-against-isil]: “By a letter dated 20 September 2014 to the President of the UN Security Council [...] Iraq made a request for further military action [...]. The [UK] government is satisfied that the consent of Iraq in these terms provides a clear and</p>

							<p>unequivocal legal basis for the deployment of UK forces and military assets to take military action to strike ISIL sites and military strongholds in Iraq.”</p> <p>Motion on support for Iraq, Motion passed by the House of Commons, 25 September 2014, [https://www.gov.uk/government/publications/military-action-in-iraq-against-isil-government-legal-position/motion-on-support-for-iraq]: “[The House of Commons] acknowledges the request of the government of Iraq for international support to defend itself against the threat ISIL poses to Iraq and its citizens, and the clear legal basis that this provides for action in Iraq.”</p> <p>UK Prime Minister, House of Commons Daily Hansard Debate, 26 September 2014, [https://publications.parliament.uk/pa/cm201415/cmhansrd/cm140926/debtext/140926-0001.htm#1409266000252], Column 1263: “In this case it could not be clearer that we are acting at the request of a sovereign state, [...]”</p>
Letter sent in accordance with Art. 51 UNCh?	0 – not applicable						

4. Invocation of use of force by a victim state	1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	12 legitimization by UNSC	Letter from the UK to the SC, 3 December 2015, S/2015/928: “In its resolution 2249 (2015), the Security Council recognized that the so-called Islamic State in Iraq and the Levant (ISIL), also known as Daesh, constitutes a global and unprecedented threat to international peace and security. In this respect, the Council noted the letters of the Iraqi authorities stating that ISIL/Daesh is a direct threat to the security of the Iraqi people and territory. Furthermore, the Council condemned horrifying terrorist attacks perpetrated by ISIL/Daesh, including in Sousse, Ankara, Beirut and Paris and over the Sinai, and noted that ISIL/Daesh has the capability and intention to carry out further attacks. [...] I am therefore writing to report to the Security Council that the United Kingdom of Great Britain and Northern Ireland is taking necessary and proportionate measures against ISIL/Daesh in Syria, as called for by the Council in resolution 2249 (2015) , in exercise of the inherent right of individual and collective self-defence.”
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	Code	Material
6. UNSC Reaction	3 unclear	<i>see United States 6</i>
7. UNGA Reaction	4 no reaction	<i>see Iraq 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<i>see Australia 9</i> Syria: SC Provisional Meeting Records, 30 September 2015, S/PV.7527, p. 30: “The actions of the United Kingdom and France in Syrian air space are contrary to the Charter of the United Nations and international law, as well as a flagrant violation of Syria’s national sovereignty . Those who genuinely wish to combat terrorism must coordinate their efforts with the Syrian Government.”

Islamic State

	Code
Law invoked?	2 No

	UNSC	Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 general / abstract scope	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh?	1 yes S/2015/221						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1.	7 enforcing a specific political system	<p>Excerpt of ISIS announcement, as reproduced in Bill Roggio, ISIS announces formation of Caliphate, rebrands as 'Islamic State', 29 June 2014, Long War Journal [https://www.longwarjournal.org/archives/2014/06/isis_announces_formation_of_ca.php]: "Therefore, the shūrā (consultation) council of the Islamic State studied this matter after the Islamic State – by Allah’s grace – gained the essentials necessary for khilāfah, which the Muslims are sinful for if they do not try to establish. In light of the fact that the Islamic State has no shar’ī (legal) constraint or excuse that can justify delaying or neglecting the establishment of the khilāfah_such that it would not be sinful, the Islamic State [...] resolved to announce the establishment of the Islamic khilāfah, [...]."</p> <p>Cole Bunzel, From Paper State to Caliphate: The Ideology of the Islamic State, The Brookings Project on U.S. Relations with the Islamic World Analysis Paper, No. 19, March 2015, p. 31: "On June 29, [the Islamic State of Iraq and Sham (Syria)] finally <u>declared itself the caliphate</u> in a triumphant audio address by Abu Muhammad al- ‘Adnani. Henceforward the group was to be known</p>

	<p>simply as “the Islamic State,” ‘Adnani announced, no longer “the Islamic State of Iraq and Sham.” Its sovereignty was to extend across the entire world, not just Iraq and Syria.”</p> <p>Radwan Mortada, What does ISIS’ declaration of a caliphate mean?, 30 June 2014, [https://web.archive.org/web/20190119080201/https://english.al-akhbar.com/node/20378]: “The Islamic State of Iraq and Syria (ISIS) has now officially become a global Islamic caliphate. It took 14 months for its leader, who is known as Abu Bakr al-Baghdadi, to set himself up as a ruler ‘by order of God.’ He is not only the ‘commander of the faithful’ now, but also the caliph-at-large, and the ‘successor’ of Prophet Mohammad. [...] On Sunday, Abu Mohammed al-Adnani, spokesperson for ISIS, declared the creation of the Islamic caliphate, ‘the jihadis’ long-running dream.’ [...] ISIS, or IS, believes that pledging allegiance to the new caliph is a duty for every Muslim, and those who fail or refuse to do so shall be deemed as apostates, and will be fought and struck down. This was clearly stated by Adnani, who said, ‘Beware of splitting the ranks. Those who want to split the ranks, strike their heads with bullets [...].”</p> <p>5th edition of Dabiq, the Islamic State's English-language magazine [as cited in Thomas Joscelyn, US counterterrorism efforts in Syria: A winning strategy?, Long War Journal, 29 September 2015, https://www.longwarjournal.org/archives/2015/09/us-counterterrorism-efforts-in-syria-a-winning-strategy.php: ISIL has detailed its goals in its Dabiq magazine, saying it will continue to seize land and take over the entire Earth until its: ‘Blessed flag...covers all eastern and western extents of the Earth, filling the world with the truth and justice of Islam and putting an end to the falsehood and tyranny of jahiliyyah [state of ignorance], even if America and its coalition despise such.’”</p> <p><i>### Jihadism is the use of force to spread Islamism. Islamism is the desire to impose any version of Islam over society (Quiliam, p. 8) ###</i></p> <p>Salah Al-Ansari & Usama Hasan, Tackling Terror: A Response to Takfiri Terrorist Theology, Quiliam, 2018, https://www.academia.edu/39876585/TACKLING_TERROR_A_Response_to_Takfiri_Terrorist_Theology, p. 82 [analyzing the arguments of Fiqh al-Dima (or The Jurisprudence of Blood), the jihadist manual behind the Islamic State]: Killing non-Muslims in general is legal simply because they are not Muslims; the only exception would be those who have formally capitulated to the Muslim forces.</p> <p>Salah Al-Ansari & Usama Hasan, Tackling Terror: A Response to Takfiri Terrorist Theology, Quiliam, 2018, https://www.academia.edu/39876585/TACKLING_TERROR_A_Response_to_Takfiri_Terrorist_Theology, p. 27 [citing Fiqh al-Dima (or The Jurisprudence of Blood), the jihadist manual behind the Islamic State]: “[The Lord] has, through the greatest of his guidance, made it legitimate for his servants that wage Jihad in his path to shoot the warring (harbi) unbelievers, kill them, fight them by every means that may snatch away their souls, drive their spirits from their bodies, cleansing the earth of their filth and removing their scourge from mankind, whatever that means may be ... The Almighty said: ‘And let not those who disbelieve think that they can outstrip (escape from the punishment). Verily, they will never be able to save themselves (from Allah’s</p>
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	<p>Punishment). And make ready against them all you can of power, including steeds of war (tanks, planes, missiles, artillery, etc.) to threaten the enemy of Allah and your enemy' [the latter is cited as a passage from the Qu'ran]"</p> <p>Salah Al-Ansari & Usama Hasan, Tackling Terror: A Response to Takfiri Terrorist Theology, Quiliam, 2018, https://www.academia.edu/39876585/TACKLING_TERROR_A_Response_to_Takfiri_Terrorist_Theology, p. 45 [analyzing Fiqh al-Dima (or The Jurisprudence of Blood), the jihadist manual behind the Islamic State]: Killing the unbelievers who do not have a peace treaty with Muslims is legitimate. This is reliant on the view that non-Muslims could be killed on the mere basis of unbelief (kufr). This means, or so the author's argument runs, that the killing of noncombatants who are not Muslim is legitimate.</p> <p>Salah Al-Ansari & Usama Hasan, Tackling Terror: A Response to Takfiri Terrorist Theology, Quiliam, 2018, https://www.academia.edu/39876585/TACKLING_TERROR_A_Response_to_Takfiri_Terrorist_Theology, p. 27 [citing Fiqh al-Dima (or The Jurisprudence of Blood), the jihadist manual behind the Islamic State]: "There is no inviolability for an unbeliever (kafir) with whom the people of Islam have not agreed truce or safety, in blood or money.[...] The situation with all people on the face of the earth with regard to following Islam falls into three categories: (i) people of Islam who belong to it; (ii) those who are peaceful with Islam through peace treaty or truce. For these two groups, their blood and money are inviolable until one of them commits actions which render his blood or money violable under the law of shari'a. Category (iii) refers to anyone else who does not belong to one of the first two groups. Every kafir on the face of the earth who does not have a treaty with Islam; those who did not make truce with Muslim people through protection, truce or safety: then they are warring unbelievers (kafir harbi) and have no inviolability at all whatsoever, meaning: in any way or situation."</p> <p>Cole Bunzel, From Paper State to Caliphate: The Ideology of the Islamic State, The Brookings Project on U.S. Relations with the Islamic World Analysis Paper, No. 19, March 2015, p. 10: In another speech [2007], Baghdadi explicitly emphasized the importance of "offensive jihad," which he defined as "going after the apostate unbelievers" by attacking [them] in their home territory, in order to make God's word most high and until there is no persecution. Consistent with Wahhabi doctrine, "persecution" is understood to mean idolatry.</p> <p>Salah Al-Ansari & Usama Hasan, Tackling Terror: A Response to Takfiri Terrorist Theology, Quiliam, 2018, https://www.academia.edu/39876585/TACKLING_TERROR_A_Response_to_Takfiri_Terrorist_Theology, p. 11 [analyzing Fiqh al-Dima (or The Jurisprudence of Blood, the jihadist manual behind the Islamic State (579-page text) written by the Isis ideologue Abu Abdullah al-Muhajir): [The] ideology starts with the principle of excommunicating all existing political regimes, <u>as they are not implementing the true teachings of Islam</u> and have fallen into a "trap of pre-Islamic ignorance" (jahiliyya), and distinguishing, as the author does, between the "lands of Islam" and the "lands of unbelief (kufr)". The jihadists are therefore entitled to fight the unbelievers and attack all infidel (non-Muslim) countries of the world that do not have a treaty with them. This jihad has to continue until infidelity (non-Islam) disappears and Islam becomes the only dominant faith"</p> <p>Salah Al-Ansari & Usama Hasan, Tackling Terror: A Response to Takfiri Terrorist Theology, Quiliam, 2018, https://www.academia.edu/39876585/TACKLING_TERROR_A_Response_to_Takfiri_Terrorist_Theology, p. 21: We can</p>
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		<p>summarise the argument of this chapter as comprising two main elements: 1. A worldview that creates a division between the House/Land of Islam (Dar allslam) and the House/Land of unbelief (Dar al-Kufr). 2. Foreign relations with other states should comprise conflict (and ultimately, war), hatred, and religious superiority.</p> <p>Cole Bunzel, From Paper State to Caliphate: The Ideology of the Islamic State, The Brookings Project on U.S. Relations with the Islamic World Analysis Paper, No. 19, March 2015, p. 26 [reciting an audio message by the Islamic State’s official spokesman, Abu Muhammad al-‘Adnani]: “No one,” he [al-‘Adnani] thundered, “will stop us from aiding our brethren [brothers?] in Syria! No one will stop us from fighting the ‘Alawis [religious minority in northern Syria, Lebanon, and southern Turkey] and waging jihad in Syria.”</p>
5.2.	6 defence against ideology	<p>Cole Bunzel, From Paper State to Caliphate: The Ideology of the Islamic State, The Brookings Project on U.S. Relations with the Islamic World Analysis Paper, No. 19, March 2015, p. 10: Traditionally, jihadis, including those in al-Qaeda, have espoused “defensive jihad,” casting their militant acts as defensive in nature. They perceive the Middle East to be under attack by secular “apostate” rulers and their Western “crusader” backers. The Islamic State also advocates for “defensive jihad.” As former Islamic State leader Abu ‘Umar al-Baghdadi once observed, “The rulers of Muslim lands are traitors, unbelievers, sinners, liars, deceivers, and criminals.” What is more, he said in 2007, “[we believe that] fighting them is of greater necessity than fighting the occupying crusader.”</p> <p>The Guardian, The core Isis manual that twisted Islam to legitimise barbarity, 12.05.2018, https://www.theguardian.com/world/2018/may/12/isis-jihadist-manual-analysed-rebutted-by-islamic-scholar: A separate chapter documents attempts to justify the use of weapons of mass destruction. “The central aim for which we strive – and we do so with all available strength – is the acquisition of weapons, weapons of mass destruction, for there is no escaping the obligation to defend against these defiant perverters of faith and end the aggression of the malodorous filth against Islam and its people,” writes Muhajir, the Isis author.</p> <p>Salah Al-Ansari & Usama Hasan, Tackling Terror: A Response to Takfiri Terrorist Theology, Quiliam, 2018, https://www.academia.edu/39876585/TACKLING_TERROR_A_Response_to_Takfiri_Terrorist_Theology, p. 55 [citing Fiqh al-Dima (or The Jurisprudence of Blood), the jihadist manual behind the Islamic State]: “The balance of power between the people of Islam and their unbeliever enemies is currently imbalanced in favour of the enemy unbelievers. Such is the terrible disparity in the balance of power that the non-believers take from it the mantle of authority over the Muslims, forcing them into disgrace and ignominy, mocking the Muslims with threats of using their superior power – occasionally implicitly and often overtly – by decrees that the entire Ummah accept with no response or riposte. That is to say nothing about the fact that with their superior power they seek to pervert the Muslims’ faith; to establish their own collective market that is filled to bursting with unbelief, apostasy, and the like; to impose their desires upon the Muslims and intervene in the affairs of any people that they intend. Thus, the central aim for which we strive – and we do so with all available strength – is the acquisition of weapons – weapons of mass destruction – for there is no escaping the obligation to defend against these defiant perverters of faith and end the aggression of the malodourous filth against Islam and its people.”</p>

	Code	Material
6. UNSC Reaction	2 disapproves	<p>SC Res. 2249 (2015), 20 November 2015, S/RES/2249 (2015) “[preamble] Determining that, by its violent extremist ideology, its terrorist acts, [...] the Islamic State in Iraq and the Levant (ISIL, also known as Da’esh), constitutes a global and unprecedented threat to international peace and security. [...] Determined to combat by all means this unprecedented threat to international peace and security [...] [§ 1] Unequivocally condemns in the strongest terms the horrifying terrorist attacks perpetrated by ISIL also known as Da’esh which took place on 26 June 2015 in Sousse, on 10 October 2015 in Ankara, on 31 October 2015 over Sinai, on 12 November 2015 in Beirut and on 13 November 2015 in Paris, and all other attacks perpetrated by ISIL also known as Da’esh, including hostage -taking and killing, and notes it has the capability and intention to carry out further attacks and regards all such acts of terrorism as a threat to peace and security [...] [§ 5] Calls upon Member States that have the capacity to do so to take all necessary measures, in compliance with international law, in particular with the United Nations Charter, as well as international human rights, refugee and humanitarian law, on the territory under the control of ISIL also known as Da’esh, in Syria and Iraq, to redouble and coordinate their efforts to prevent and suppress terrorist acts committed specifically by ISIL also known as Da’esh.”</p> <p>Presidential Statement of 10 January 2014, S/PRST/2014/1: “The Security Council deplores in the strongest terms the recent events in the cities of Ramadi and Fallujah in Anbar province in Iraq. The Security Council condemns the attacks that are being perpetrated by Al-Qaida affiliate, the Islamic State in Iraq and the Levant (ISIL), against the people of Iraq in an attempt to destabilize the country and region.”</p> <p>Presidential Statement of 19 September 2014, S/PRST/2014/20: “The Security Council strongly condemns attacks by terrorist organizations, including the terrorist organization operating under the name “Islamic State in Iraq and the Levant” (ISIL) and associated armed groups, in Iraq, Syria, and Lebanon and emphasizes that this large-scale offensive poses a major threat to the region.”</p> <p>Designation as terrorist organization on 30 May 2013, as a part of AL-QAIDA IN IRAQ, see: SC, Press Release: Security Council Al-Qaida Sanctions Committee Amends Entry of One Entity on Its Sanctions List, 30 May 2013, SC/11019 and SC Res. 2253, 17 December 2015, S/RES/2253 (2015)</p> <p>SC Res. 2253, 17 December 2015, S/RES/2253 (2015): „[preamble] Reaffirming that terrorism in all forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever, wherever, and by whomsoever committed, and reiterating its unequivocal condemnation of the Islamic State in Iraq and the Levant (ISIL, also known as Da’esh), Al-</p>

		<p>Qaida, and associated individuals, groups, undertakings, and entities for ongoing and multiple criminal terrorist acts aimed at causing the deaths of innocent civilians and other victims, destruction of property, and greatly undermining stability. [...] Expressing its gravest concern about the presence, violent extremist ideology and actions of ISIL“</p> <p>SC Res. 2165, 14 July 2014, S/RES/2165 (2014), p. 2: “Expressing grave alarm at the spread of extremism and extremist groups [...] condemning terrorism in all its forms and manifestations and recalling in this regard its resolutions 1373 (2001), 1624 (2005), 2129 (2013) and 2133 (2014).”</p>
7. UNGA Reaction	3 unclear	<p>UNGA Resolution on the Human Rights Situation in Syria, 29 January 2015, A/RES/69/189: „[preamble] Expressing grave concern also at the spread of extremism and extremist groups, terrorism and terrorist groups, and strongly condemning all violations and abuses of human rights and violations of international humanitarian law committed in the Syrian Arab Republic by any party to the conflict, in particular the so-called Islamic State in Iraq and the Levant, militias fighting on behalf of the regime, Al-Qaida-affiliated terrorist groups and other extremist groups“</p> <p>Repeated in Resolution 70/234 on the Human Rights Situation in the Syrian Arab Republic, 23rd December 2015, A/RES/70/234.</p> <p>UNGA Resolution on the Human Rights Situation in Syria, 23 January 2018, A/RES/72/191: „[preamble] Recalling that, amid expressions of popular discontent over restrictions on the enjoyment of civil, political, economic and social rights, civilian protests erupted in Dar’a in March 2011, and noting that the violent oppression of civilian protests by the Syrian authorities, which later escalated to the direct shelling of civilians, fuelled the escalation of armed violence and violent extremist groups, and terrorist groups, including so-called ISIL (also known as Da’esh), [...] Expressing grave concern also at the remaining presence of extremism and violent extremist groups, terrorism and terrorist groups, and strongly condemning all violations and abuses of human rights and violations of international humanitarian law committed in the Syrian Arab Republic by any party to the conflict, in particular so-called ISIL (also known as Da’esh), Al-Nusrah Front, Al-Qaida-affiliated terrorist groups, and militias fighting on behalf of the regime, and other violent extremist groups, [...] Expressing its deepest concern about the latest findings of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism that the Syrian Arab Armed Forces were responsible for the use of sarin as a chemical weapon in Khan Shaykhun in April 2017, and that so-called ISIL (also known as Da’esh) used sulfur mustard in Umm Hawsh in September 2016, as well as previous findings of at least three chlorine attacks by the Syrian Arab Republic and one mustard attack by so-called ISIL (also known as Da’esh), [...] [§ 4] Strongly condemns any use of any chemical weapons, such as chlorine, sarin and sulfur mustard, by any party as a weapon in the Syrian Arab Republic, and also demands that the Syrian regime and so-called ISIL (also known as Da’esh) immediately desist from any further use of chemical weapons [...] [§ 14] Deplores and strongly condemns the terrorist acts and violence committed against</p>

		<p>civilians by so-called ISIL (also known as Da’esh) and Al-Nusrah Front and their continued gross, systematic and widespread abuses of human rights and violations of international humanitarian law [...] [§ 15] Condemns in the strongest terms the gross and systematic abuse of women’s and children’s rights by so-called ISIL (also known as Da’esh), [...] [§ 42] Strongly condemns practices including abduction, hostage-taking, arbitrary and incommunicado detention, torture, the murder of innocent civilians and summary executions carried out by non-State armed groups and terrorist groups, most notably so-called ISIL (also known as Da’esh)“</p> <p>See also: A/RES/71/203</p> <p>Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic - Rule of Terror: Living under ISIS in Syria, 19 November 2014, A/HRC/27/CRP.3: „[§ 1] The armed group, the self-proclaimed “Islamic State” (hereinafter “the armed group” or “ISIS”) has made calculated use of public brutality and indoctrination to ensure the submission of communities under its control. A terrorist group, as designated by Security Council under Resolution 2170, it has become synonymous with extreme violence directed against civilians and captured fighters. [...] [§ 5] Initially, ISIS was one faction among hundreds of other armed groups in Syria. In April 2013, it began to develop into a well-organised, dominant armed force in control of large swathes of populated areas in Syria and Iraq, posing a significant threat to peace and stability in the region.”</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p>See also: Casenote No. 13604 (Syria, Russia, Iran v. IS)</p> <p>United States: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 6: “As President Obama explained earlier this month, ISIL is a terrorist organization, pure and simple. It has no vision other than the slaughter of all who stand in its way.”</p> <p>President Obama, Statement by the President on ISIL, 10 September 2014, The White House Office of the Press Secretary, https://obamawhitehouse.archives.gov/the-press-office/2014/09/10/Statement-president-isil-1: “ISIL is a terrorist organization, pure and simple. And it has no vision other than the slaughter of all who stand in its way.”</p> <p>Security Council, Provisional Meeting records, 21st November 2016, S/PV.7817, p.10f.: “Therefore, we members of the Council need to separate fact from fiction today. When we renewed the Joint Investigative Mechanism for Syria last week (see S/PV.7815), I and many members spoke of how we could not uphold the norm against chemical weapons use if we did not know which party was using chemical weapons. In that regard again, to uphold the humanitarian demands</p>

	<p>of the Council, we need to speak frankly and very specifically about which parties are responsible for the suffering of the Syrian people. That means condemning the atrocities committed by terrorist organizations like Jabhat Al-Nusra and the Islamic State in Iraq and the Levant (ISIL) — which the United States has done and will continue to do — but it also means telling the truth about Russia and the Al-Assad regime’s actions. [...] ISIL atrocities are in a category unto themselves, which is why the United States leads a 67-member coalition to defeat that terrorist organization.</p> <p>Security Council, Provisional Meeting Records, 18 December 2015, S/PV.7588, p. 4: “Looking ahead, we know that Daesh can never be allowed to gain control in Syria, so we have a global imperative here not only to deal with a terrorist entity, but also to end the civil war and to bring legitimacy back to the governance of Syria.”</p> <p>Australia: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 9: “Australia condemns absolutely ISIL and its ilk and their barbarism and their ideology. [...] ISIL’s actions leave in no doubt the severity of the threat to the region and the wider world.”</p> <p>Chad: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 13: “Peace and security remain dangerously threatened, in particular by terrorism. In that regard, I refer to the type of international terrorism represented by Al-Qaida, Al-Qaida in the Islamic Maghreb, Al-Shabaab, Boko Haram and Daesh, to mention but a few. [...] Al-Qaida and other assimilated and affiliated terrorist groups, in particular Daesh, have found fertile ground in which to spread their form of transnational jihadism, thereby threatening peace and stability in Iraq and beyond.”</p> <p>Argentina SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 15: “First, ISIL is a terrorist and criminal organization. It uses military force, extreme violence and intimidation to impose terror, attacking and persecuting individuals and ethnic and religious minorities.”</p> <p>Nigeria: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 18: “That is particularly important in the light of Iraq’s security situation, inflamed as it is by the pestilence of the Islamic State in Iraq and the Sham (ISIS). The activities of ISIS and other terrorist groups pose a grave threat to the peace, stability and territorial integrity of Iraq. In conjunction with terrorist groups all around the world, it is a potent threat to global peace and security. [...] The activities of ISIS represent a grave threat not just to Iraq but to international peace and security in general.”</p>
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	<p>SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 32: “Terrorism striking Arab States in whatever forms or manifestations it takes, whatever its motives or justifications, should be condemned as reprehensible in every regard. My country therefore deplores all heinous and inhuman terrorist crimes perpetrated by the non-Islamic State of Iraq and the Levant. [...] The barbarous acts that we are witnessing in Iraq today perpetrated by the Islamic State have nothing to do with humanity or with religion. These groups must be rooted out and eradicated.”</p> <p>Georgia: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 33: “Georgia condemns in the strongest terms all despicable acts of terrorism and violence against people based on their religious and ethnic affiliation. Terrorist groups such as ISIL pose a threat not only to the nations in the Middle East but also to those in Europe, North America and beyond.”</p> <p>United Arab Emirates: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 33: “From this rostrum I, as an Arab and a Muslim, categorically reject the terrorist entity Daesh being called the Islamic State. I call upon all present to join us in that rejection and to show solidarity with the hundreds of millions of Muslims around the world in condemning the desecration by the criminal terrorist gang Daesh of what is dear to us all. They are a criminal gang, no more than that. [...] The crimes of these and other terrorist organizations know no boundaries and follow no principles. Such organizations are simply opportunistic, with no relevance to any religion or standards.”</p> <p>Iran: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 35: “Violent extremism, mostly embodied these days by the so-called Islamic State in Syria and the Levant (ISIL) and its <u>abhorrent brutality</u> and shocking savagery, is <u>chief among the threats</u> that ravage Iraq and Syria and cast gloom over the horizons of the Middle East.”</p> <p>Japan: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 36: “ISIL has unilaterally declared the establishment of its self-proclaimed State across existing national borders. The brutalities of ISIL pose a serious threat not only to the Middle East region but also to the very order of the international community.”</p> <p>Finland</p>
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	<p>SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 38: “The advance of the Islamic State in Iraq and the Levant (ISIL) has been a shock. It is a matter of grave concern for the international community. The brutal terrorist actions of ISIL must be unequivocally condemned.”</p> <p>Saudi Arabia: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 39: “In response to the so-called Islamic State and other groups that use religion as a justification for their existence and to propagate terrorist thinking, the ulemas and other Islamic teachers have condemned the teaching of ISIL and its adherents and the financing of its acts as a crime. This is the content of the following statement, issued by the Ulema Council on 14 September: ‘Terrorist acts perpetrated by certain groups, such as ISIL, Al-Qaida, Asaib Ahl Al-Haq and Hizbullah, as well as the terrorist actions of the Israeli occupation and the terrorist criminal acts perpetrated by groups claiming to belong to Islam, are all prohibited actions and are deemed to be crimes.’ The statement of the Ulema Council also prohibits entering the conflict zone and joining the insurrection. The instigators of these crimes are criminals themselves. They are leading others into error, and should be punished.”</p> <p>Lebanon: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 40: “If we do not act quickly to end it, it [ISIL] will spare no one inside or outside of Iraq, for it does not recognize countries, acknowledge their borders or accept their institutions. It is <u>barbarism</u> that knows no religion, ethics or values, although it pretends to follow Islam and hides behind its precepts. Muslims are innocent of it. It is obscurantist in its war on modernity and civilization and in its aggression against human rights and human dignity, as well as in its denial of the principle of freedom and the concept of difference.”</p> <p>Poland: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 41: “The terrorist structure seeking an Islamic caliphate poses a direct threat to international peace and security, which demands an urgent response from the international community. The unprecedented growth of ISIL and the spread of extremism in all its manifestations, especially in the form of sectarian tensions, have negative consequences for the security and stability of the entire region of the Middle East and beyond.”</p> <p>Albania: SC Provisional Meeting Record, 19 September 2014, S/PV.7271, p. 41: “ISIL represents a real, clear and current danger to Iraq, to the countries of the region and to broader international peace and security.”</p>
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		<p>Dominican Republic: Annex III to a Letter from the President of the SC to the SG and Members of the SC, 15 May 2020, S/2020/397, p. 7:“ On a different note, it is of great concern that the Islamic State is gradually gathering strength and increasing its activity. We therefore urge the international community to make greater efforts and collaborate closely with Iraq to prevent the resurgence of the Islamic State and its heinous crimes.”</p> <p>Peru: Security Council, Provisional Meeting records, 17th May 2019, S/PV.8527, p. 10: „Peru strongly condemns terrorism and believes that the terrorist groups in Idlib and other areas of Syria must be brought to justice.“</p> <p>Equatorial Guinea: Security Council, Provisional Meeting records, 17th May 2019, S/PV.8527, p. 11: „[We] stress the need to take effective measures <u>to combat terrorist organizations</u> in Syria.“</p> <p>Venezuela: Security Council, Provisional Meeting records, 21st November 2016, S/PV.7817, p. 17f.: “Terrorism is the cause of the humanitarian catastrophe in Syria. The acts carried out by groups such as the Islamic State in Iraq and the Sham (ISIS), the Al-Nusra Front and their allies are a threat to international peace and security, which is why they must be combated in strict adherence to international law.”</p> <p>Security Council, Provisional Meeting records, 5th December 2016, S/PV.7825, p. 8f.: „In Syria, a terrible war has been imposed, and some countries have unflaggingly supported terrorist groups, the executioners of the Syrian people. [...] What is regrettable about the entire situation is that in spite of this ongoing debate on Syria here in the Security Council, it is the Syrian people who are dying and the victims of a brutal conflict that has been thrust on them, in which terrorist groups have destroyed and devastated the entire country.”</p> <p>Security Council, Provisional Meeting Records, 18 December 2015, S/PV.7588, p. 17: “[W]e believe that the text reaffirms the view that the solution to the armed conflict that affects that Arab country, as a result of the criminal actions of terrorist groups, should be political, peaceful and negotiated.”</p> <p>China:</p>
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	<p>Security Council, Provisional Meeting records, , 21st November 2016, S/PV.7817, p. 20: “In working to mitigate the humanitarian situation, we should not overlook the need to combat terrorism. Terrorists and terrorist organizations inside Syria are launching repeated attacks, gravely hampering humanitarian efforts. The international community must strengthen its coordination, follow uniform standards and resolutely combat all Council-listed terrorist organizations.”</p> <p>Security Council, Provisional Meeting Records, 18 December 2015, S/PV.7588, p. 9: “[Syria] has become a hotbed where radical ideas breed and spread as well as a playground for terrorists, posing a grave threat to the peace and security of the region and beyond.”</p> <p>EU: Official Journal of the European Union, Council Decision (CFSP) 2016/1693 of 20 September 2016, Document Number L 255/25: “[§ 8] ISIL (Da'esh) and Al-Qaeda constitute a threat to international peace and security. Restrictive measures adopted by the Union in the context of the fight against ISIL (Da'esh) and Al-Qaeda and persons, groups, undertakings and entities associated with them, fall within the objectives of the Union's Common Foreign and Security Policy as set out in Article 21(2)(c) of the Treaty. [§ 9] In view of the threat posed by ISIL (Da'esh) and Al-Qaeda, the Council should be able to impose targeted restrictive measures on any individual regardless of nationality or citizenship, or on any entity responsible for terrorist actions on behalf or in support of ISIL (Da'esh) and Al-Qaeda, in accordance with the criteria set out in this Decision.</p> <p>Armenia, Belarus, Kazakhstan, Kyrgyz Republic, Russian Federation, Republic of Tajikistan (The Collective Security Treaty Organization) Letter from Russia to the UN SG, 9 April 2014, A/68/833–S/2014/255, p. 2 [on behalf of the States above]: “We strongly condemn the terrorist acts [...]”</p> <p>Senegal: Security Council, Provisional Meeting records, 5th December 2016, S/PV.7825, p. 12: „It is by coming together around the goal of peace and stability in Syria that we will succeed in effectively combating terrorist organizations such as the Islamic State and Jabhat Fatah Al-Sham, formerly the Al-Nusra Front, which are unquestionably our common enemies.“</p> <p>Saudi Arabia: Identical Letters from Saudi Arabia to the UN SG and President of the Security Council, A/68/769–S/2014/92, p. 1: “Saudi Arabia condemns terrorism in all its forms and affirms that terrorism has no religion or nationality. [...] Any call, from</p>
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	<p>any entity, that deviates from the principles of Saudi Arabia’s policy of rejecting terrorism and extremism and striving for coexistence, peace and security for all humanity is unacceptable and rejected.”</p> <p>United Kingdom: [Designated as terrorist organization on 20 June 2014] UK Government, List of Proscribed Terrorist Organizations, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/324603/20140627-List_of_Proscribed_organisations_WEBSITE_final.pdf, p. 9, 10: „ISIL is a brutal Sunni Islamist terrorist group active in Iraq and Syria. The group adheres to a global jihadist ideology, following an extreme interpretation of Islam, which is anti-Western and promotes sectarian violence. [...] ISIL not only poses a threat from within Syria but has made significant advances in Iraq. The threat from ISIL in Iraq and Syria is very serious and shows clearly the importance of taking a strong stand against the extremists. [...] It appears that ISIL is treating Iraq and Syria as one theatre of conflict and its potential ability to operate across the border must be a cause of concern for the whole international community.”</p> <p>Security Council, Provisional Meeting Records, 18 December 2015, S/PV.7588, p.12: “An end to the civil war in Syria is critical to tackling Daesh in the long term. We all agree that terrorist groups must not and will not benefit from the ceasefire that we are promoting.”</p> <p>France: Security Council, Provisional Meeting Records, 18 December 2015, S/PV.7588, p. 8: “The terrorism of Daesh has struck the heart of [Syria’s] cities.” [...] [p. 9] France, for its part, will remain active and vigilant so as to ensure that all military forces are focused on combating Daesh and eradicating terrorism.”</p> <p>Jordan: Security Council, Provisional Meeting Records, 18 December 2015, S/PV.7588, p. 6: “[The Syrian crisis repercussions] pose [...] a threat to the region and to the international community, particularly through the humanitarian issues resulting from the millions of Syrians who are now internally displaced or seeking asylum, and on the security front, owing to the expansion of the Daesh terrorist group, the Al-Nusra Front and other terrorist individuals and entities. [...] [p. 7] With regard to terrorism and extremism, Jordan leads the international efforts to defeat the terrorism and extremism in our region. It is a terrorism that destroys the image of our great religion, Islam, and its message of tolerance and its moderate cause. All those who try to commit crimes in the name of our religion are not part of the religion at all.”</p> <p>Belgium, Germany, Kuwait:</p>
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	<p>Security Council, Provisional Meeting records, 17th May 2019, S/PV.8527, p. 5: „We acknowledge that there is a considerable presence of members of United Nations-designated terrorist organizations in Idlib. We clearly condemn the violent attacks they have carried out.</p> <p>Finland: General Assembly, Official Records, 29 September 2015, A/70/PV.16, p. 11: „The Islamic State in Iraq and the Levant (ISIL) and its <u>horrendous terror</u> are a direct by-product of the conflicts in Syria and Iraq.“</p> <p>Angola: Security Council, Provisional Meeting Records, 18 December 2015, S/PV.7588, p.14: “Exclusion, poverty and armed conflict serve as a breeding ground for violent extremist groups to spread their ideology of hatred and intolerance, as is the case with the Islamic State in Iraq and the Levant (ISIL)/Daesh and other terrorist organizations operating in the region.”</p>
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75. Syria et al. vs. Syrian insurgents 2015-2020

Key data

Duration: 2015 – 2020; Parties: Syria, Iran, Russia v. Syrian Insurgents; Initiator: Syrian Insurgents.

652 Syria

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>“It is a fact — a terrorist entity that obtains support from the Western sponsors of terrorism. It is further proof that those States and actors have no will or desire to end the suffering of our people and continue to deny the root causes of the crisis in Syria. [...] Let me repeat again that no one in the world is more eager than us, the Government and the people of Syria, to preserve the lives of Syrian citizens, whether in Aleppo, Dara’a, Damascus, Raqqa or any other place where civilians suffer because of the practices of armed terrorist groups that use them as humans shields, besiege them in their towns and villages, prevent them from leaving those areas and obstruct their access to humanitarian assistance or sell them such assistance at prices they cannot afford. [...] Let me repeat</p>

						<p>yet again that, in the light of this bitter fact, any Government, including the Syrian Government, has the moral and legal obligation to save their citizens from becoming hostages to terrorists. Yesterday, 20 November, groups that certain parties and States like to call non-State armed opposition groups perpetrated a new, horrific and premeditated massacre when their terrorists stationed in the Bustan Al-Qasr neighbourhood of eastern Aleppo launched a number of missiles against the Al-Furqan and Saria Hassoun schools in the Al-Furqan community of western Aleppo [...]” (Security Council, Provisional Meeting records, S/PV.7817, 21 November 2016, p. 23)</p> <p>“Syria furthermore reiterates that the humanitarian crisis that is developing in many parts of Syria cannot be addressed solely by providing emergency supplies to the population. Rather, it is essential to address the roots of the problem and the factors that are exacerbating it. First and foremost, that means countering and eradicating terrorism and rescinding unilateral coercive measures. [...] It is regrettable that those United Nations officials who are responsible for drafting the above-mentioned report continue to ignore the fact that terrorism has given rise to and exacerbated the humanitarian needs in Syria. [...] Th[is] report uses the term “armed opposition” to refer to terrorist organizations that the Security Council has designated as being affiliated with Al-Qaida. [...] The report continues to diminish the magnitude of the crimes and other actions for which armed terrorist groups are clearly responsible.” (A/68/893-S/2014/378, Identical Letters of 29 May 2014 from Syria to the UN SG and President of the SC, p. 1)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

Code	Material
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<p>5. Legitimacy Claim</p>	<p>0</p>	<p>“terrorist operations have become increasingly brutal since that date. Syrian Government forces and innocent civilians have been attacked, infrastructure has been sabotaged, and dozens of people have been forcibly displaced to Turkey [...] The armed groups receive funding and weapons from States whose officials have openly acknowledged providing the former and intending to encourage the provision of the latter. It was therefore essential that Mr. Annan should, in fulfilling his mission, contact them and dissuade them from offering such support, which is responsible for the shedding of innocent Syrian blood.[...] It should be noted that Syria has not requested that the armed groups should disarm immediately. Its request for disarmament stems from the need to extend its authority over all Syrian territory in order to ensure public order and the full application of the law. Mr. Annan has assured me that that must happen in a phase following the cessation of violence from any quarter. [...] We are concerned that Mr. Annan has not addressed the armed groups’ responsibility for the violence that has escalated throughout Syria since we accepted the six-point plan. Although we drew his attention to their practices, he has not held them responsible for their criminal and terrorist acts, which are the cause of all of the violence that has taken place.” (S/2012/214, Letter of 11 April 2012 from Syria to the President of the Security Council)</p> <p>“The Government of the Syrian Arab Republic shares their concern at the unfolding humanitarian situation in Syria and the human rights violations committed by armed terrorist groups. Those developments mark a considerable change from the stability, safety and freedom of religion and conviction which Syria and Syrians enjoyed before the crisis. However, the Syrian Government finds it regrettable that those States have persisted in their dangerously flawed approach by refusing to recognize the Syrian State’s duty to protect its people from terrorism imposed from abroad. [...] The terrorists are the ones seeking to destroy the country’s unique social fabric and coexistence. They are working systematically to destroy the infrastructure and the national economy by stealing food, medicine and fuel. They deprive civilians of those basic commodities, which they sell on like profiteers. [...] The armed groups and takfirists would not be able to commit their massacres [...] The signatories’ initiative will do nothing to alleviate the humanitarian suffering or to prevent the armed terrorist groups from violating international human rights law and international humanitarian law. Instead, those groups will see it as endorsing their tactics and authorizing additional murder and devastation.” (A/67/701–S/2013/30, Letter of 17 January 2013 from Syria to the President of the Security Council)</p> <p>“Indeed, the efforts of the Syrian Government and its allies to combat terrorism are directed at protecting civilians, public and private property and the development gains achieved by the Syrian people from the scourge of terrorism, [...] The armed terrorist groups continue their criminal practices, [...]” (S/2019/572, Letter from Syria to the President of the Security Council, 16 July 2018)</p> <p>"More than six weeks have passed since the onset of acts of violence perpetrated by extremist groups whose fundamental goal is clearly the fall of the Syrian Government. [...] those groups, which included armed criminal elements, have continued to kill innocent citizens and many members of the security forces, as well as to attack Government facilities and army and law enforcement installations. [...] Rather than backing down in the light of the reform measures taken by the Syrian leadership, regrettably, the parties behind the demonstrations have responded with further attacks against army positions and by destroying security installations, killing many security personnel, mutilating corpses, raising slogans of incitement and burning private and</p>
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		<p>public establishments. [...] Syria stresses that what is happening on the ground can in no way be considered peaceful demonstrations. Otherwise, how could so many martyrs have fallen among our security forces, our army and our innocent civilians? [...] we will continue to protect their lives and property. We will not allow terrorism [...] to kill our people.” (S/PV.6524, 7 April 2011)</p> <p>„No Government will agree to surrender to terrorist threats.“ (Security Council, Provisional Meeting records, S/PV.8527, 17 May 2019, p. 19)</p>
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	Code	Material
6. UNSC Reaction	3 unclear	<p>Statement by the President of the Security Council, 3 August 2011, S/PRST/2011/16: “The Security Council condemns the widespread violations of human rights and the use of force against civilians by the Syrian authorities. [...] The Security Council calls on the Syrian authorities to alleviate the humanitarian situation in crisis areas by ceasing the use of force against affected towns, to allow expeditious and unhindered access for international humanitarian agencies and workers, and cooperate fully with the Office of the High Commissioner for Human Rights.”</p> <p>Statement by the President of the Security Council, 21 March 2012, S/PRST/2012/6: “[The Security Council fully supports the proposal to] commit to stop the fighting and achieve urgently an effective United Nations supervised cessation of armed violence in all its forms by all parties to protect civilians and stabilize the country. To this end, the Syrian government should immediately cease troop movements towards, and end the use of heavy weapons in, population centres, and begin pullback of military concentrations in and around population centres. As these actions are being taken on the ground, the Syrian government should work with the Envoy to bring about a sustained cessation of armed violence in all its forms by all parties with an effective United Nations supervision mechanism.”</p> <p>SC, Resolution 2042 (2012), 14 April 2012, S/RES/2042 (2012): “[§ 2] Calls upon the Syrian government to implement visibly its commitments in their entirety, as it agreed to do in its communication to the Envoy of 1 April 2012, to (a) cease troop movements towards population centres, (b) cease all use of heavy weapons in such centres, and (c) begin pullback of military concentrations in and around population centres; [...] [§ 4] Calls upon all parties in Syria, including the opposition, immediately to cease all armed violence in all its forms;”</p> <p>SC Res. 2139 (2014), 22 February 2014, S/RES/2139 (2014): “[§ 2] Demands that all parties immediately put an end to all forms of violence, irrespective of where it comes from [...].”</p>
7. UNGA Reaction	3 unclear	<p>Resolution 70/234 on the Situation of human rights in the Syrian Arab Republic, adopted 23rd December 2015, A/RES/70/234: „[preamble] Recalling that, amid expressions of popular discontent over restrictions on the enjoyment of civil, political, economic and social rights, civilian protests erupted in Dar’a in March 2011, and noting that the excessive and violent oppression of civilian protests by the Syrian authorities, which later escalated to the direct shelling of civilian population areas, fuelled the escalation of armed violence and extremist groups, including so-called Islamic State in Iraq and the Levant (Da’esh). [...]</p>

		<p>Expressing grave concern at the disproportionate use of force by the Syrian authorities against its civilians, which caused immense human suffering and fomented the spread of extremism and extremist groups and which demonstrates the failure of the Syrian authorities to protect its population and to implement the relevant resolutions and decisions of United Nations bodies. [...] Expressing its regret that the parties to the conflict in the Syrian Arab Republic, in particular the Syrian authorities, have failed to take advantage of the opportunities to achieve a political solution and form a transitional government with full executive powers based on the Geneva communiqué of 30 June 2012, [...]"</p> <p>Resolution 66/253 on the Situation in the Syrian Arab Republic, 21 February 2012, A/RES/66/253: “[preamble] Expressing grave concern at the deterioration of the situation in the Syrian Arab Republic, in particular the ongoing human rights violations and use of violence by the Syrian authorities against its population. [...] [§ 4] Condemns all violence, irrespective of where it comes from, and calls upon all parties in the Syrian Arab Republic, including armed groups, to stop all violence or reprisals immediately, in accordance with the League of Arab States initiative; [...] [§ 6] Demands that the Government of the Syrian Arab Republic, in accordance with the Plan of Action of the League of Arab States of 2 November 2011 and the decisions of the League of Arab States of 22 January and 12 February 2012, without delay: (a) Cease all violence and protect its population; [...] (c) Withdraw all Syrian military and armed forces from cities and towns and return them to their original home barracks;”</p> <p>Resolution 66/253B on the Situation in the Syrian Arab Republic, 7 August 2012, A/RES/66/253 B: “[preamble] Expressing grave concern at the escalation of violence in the Syrian Arab Republic, in particular the continued widespread and systematic gross violations of human rights and the continued use of heavy weapons by the Syrian authorities against the Syrian population, and the failure of the Government of the Syrian Arab Republic to protect its population. [...] [§ 3] Condemns all violence, irrespective of where it comes from, including terrorist acts. [§ 4] Demands that all parties immediately and visibly implement Security Council resolutions 2042 (2012) and 2043 (2012) in order to achieve a cessation of armed violence in all its forms by all parties, thereby creating an atmosphere conducive to a sustained cessation of violence and a Syrian-led political transition that meets the aspirations of the Syrian people. [§ 5] Fully supports the demand of the Joint Special Envoy of the United Nations and the League of Arab States to Syria that the first step in the cessation of violence must be made by the Syrian authorities, and therefore calls upon the Syrian authorities to fulfil immediately their commitment to cease the use of heavy weapons and complete the withdrawal of their troops and heavy weapons to their barracks”</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>31 Members of the UN GA: „[§ 2] Deplors and condemns in the strongest terms the continued armed violence by the Syrian authorities against its own people since the beginning of the peaceful protests in 2011. [...] [§ 15] Also strongly condemns all attacks against the Syrian moderate opposition and calls for their immediate cessation, given that such attacks benefit so-called ISIL (Daesh) and other terrorist groups, such as Al-Nusrah Front, and contribute to a further deterioration of the humanitarian situation. [...]“ (A/C.3/70/L.47, 2 November 2015, Draft Resolution on the Situation of Human Rights in the Syrian Arab Republic)</p>

		<p>Majority in the SC: <i>### Turkey, the United Arab Emirates, the United Kingdom the United States, Bahrain, Colombia, Egypt, France, Germany, Jordan, Kuwait, Libya, Morocco, Oman, Portugal, Qatar, Saudi Arabia, Togo, Tunisia ###</i></p> <p>“[§ 3] Condemns all violence, irrespective of where it comes from, and in this regard demands that all parties in Syria, including armed groups, immediately stop all violence or reprisals, including attacks against State institutions, in accordance with the League of Arab States’ initiative; [§ 5] Demands that the Syrian government, in accordance with the Plan of Action of the League of Arab States of 2 November 2011 and its decision of 22 January 2012, without delay: (a) cease all violence and protect its population; [...] (c) withdraw all Syrian military and armed forces from cities and towns, and return them to their original home barracks;” (S/2012/77, 4 February 2012, Draft Resolution on the Situation of Human Rights in the Syrian Arab Republic)</p> <p>China: „In the past few months, terrorist groups [the armed opposition] have tightened their grip on Idlib, and in the areas they control have threatened civilians’ physical safety and launched frequent attacks on Russian military bases and Government-controlled areas, which have resulted in civilian casualties and seriously undermined regional security. The international community will not tolerate such reckless action on the part of terrorist forces. China supports the counterattacks in response to the terrorist groups’ heinous acts. [...] Counter-terrorism is a major part of the solution to the Syrian problem. If terrorism is not eradicated, there can be no peace for the Syrian people and no security for the countries of the region. The international community must harmonize standards, crack down resolutely on all terrorist groups listed by the Council and continue to consolidate counterterrorism achievements.” (Security Council, Provisional Meeting records, S/PV.8527, 17 May 2019, p. 15)</p> <p>“We call on all parties in Syria to stop the violence and in particular to avoid casualties among innocent civilians, to restore order in the country as soon as possible and to respect the request of the Syrian people for reform and for the safeguarding of their own interests. This is in the fundamental interest of Syria and its people. We support the good-offices efforts of the Arab League to resolve the Syrian crisis so as to promote an early launch of an inclusive political process led by the Syrian people and in which all parties extensively participate, to peacefully resolve differences and disputes through dialogue and negotiations, and to restore stability in Syria.” (Security Council, Provisional Meeting Records, S/PV.6711, 4 February 2012, p. 9)</p> <p>League of Arab States: “Stresses that the Syrian Government must [...] withdraw all armed presence from cities and residential areas [...] [Stresses that the Syrian Government must] recall the Syrian Army and any armed forces of whatever formation to their barracks or original locations;” (S/2012/71, Letter of 24 January 2012 from the Secretary-General addressed to the President of the Security Council, p. 3f.)</p> <p>European Union: “Identifies President Bashar Al-Assad as the ‘person authorising and supervising the crackdown on demonstrators’ (p. 21); Identifies Mohammad Mouti’ Mouayyad as ‘a former Government Minister, shar[ing] responsibility for the Syrian regime’s</p>
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	<p>violent repression of the civilian population’.” (p. 22) (EU Council Decision 2013/255/CFSP of 31 May 2013, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02013D0255-20201106&qid=1622100607717&from=EN (accessed on 18 October 2022))</p> <p>United States: “[The Under-Secretary-General’s] remarks show once again what happens when the conflict continues and when Russia and the Al-Assad regime relentlessly pummel civilian areas from the air and regularly block deliveries of humanitarian aid on the ground. [...] Of course, we will hear today from the Syrian regime and the Russian Federation a very different narrative. Russia will no doubt talk at length about how its unilateral pause in air strikes over eastern Aleppo was some kind of humanitarian gesture. The reality is that the Al-Assad regime and Russia are continuing their starve-get-bombed-or-surrender strategy in eastern Aleppo: bombing the city’s 275,000 residents and pausing to see if any will surrender to the Al-Assad regime — a regime that, as both we and the Syrian people know, has systematically tortured those who have found themselves under its custodial authority. Would any of us trust that regime with the lives of our family members, with our kids, with our parents, with our siblings? [...] Russia and the Al-Assad regime are waging a campaign that includes sieges, the blocking of humanitarian aid, the indiscriminate bombardment of civilian areas and the use of barrel bombs. [...] Russia and the Al-Assad regime’s merciless attacks must end and those behind such attacks must know that we and the international community are watching their actions and documenting their abuses, and that one day they will be held accountable.” (Security Council, Provisional Meeting records, S/PV.7817, 21 November 2016, p. 10)</p> <p>“Today, we want to send a clear signal to the Al-Assad regime and its supporters, Russia and Iran, that there is no military solution to the Syrian conflict. The only solution is a political transition, as outlined in resolution 2254 (2015), namely, a ceasefire; the establishment of credible, inclusive, non-sectarian governance that respects the rights of the Syrian people; constitutional revision; and free and fair elections pursuant to the new constitution, supervised by the United Nations, with the participation of all Syrians, including members of the diaspora. [...] The United States is therefore concerned that the recent military escalation may be an attempt by the Al-Assad regime to stall the formation of the constitutional committee and the United Nations-led political process and undercut pragmatic efforts to make progress on a trajectory to the political resolution of the conflict. This is precisely the wrong course to pursue.” (Security Council, Provisional Meeting records, S/PV.8527, 17 May 2019, p. 7)</p> <p>France: “More than 2,700 civilian victims and tens of thousands of protesters held in Syrian prisons, more than 10,000 Syrian refugees in Turkey, Lebanon and Jordan — that is the terrible toll on which the Syrian authorities can pride themselves since the beginning of the demonstrations, early in March. That is the terrible toll that some around this table today have still refused to condemn. Since May, we have worked unrelentingly to bring about a response from the Security Council. Our objective was simple and remains so: to stop the brutal crackdown by the Syrian regime against its own people, who are legitimately demanding to exercise their most fundamental rights. This would create an atmosphere free of violence and intimidation and thus allow for the emergence of an inclusive political process led by and for the Syrian people. [...] No veto can give carte blanche to the Syrian</p>
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	<p>authorities, who have lost all legitimacy by murdering their own people.” (Security Council, Provisional Meeting Records, S/PV.6627, 4 October 2011, p. 2f.)</p> <p>“Over the past two months, France has unceasingly sought to hammer home a message that I repeat again today. The regime and its supporters must immediately and definitively cease their bombings of Aleppo and allow humanitarian actors to swiftly deliver emergency aid to the entire population that stands in need today. That call is shared by a very large majority of members of this Council. [...] On behalf of France, I would like to underscore once more the absolute urgency of immediately ending the bombardments and the war, to seek together a political solution. That is the only possible way out of the tragedy, and it is the responsibility of the Security Council, whose credibility is heavily involved.” (Security Council, Provisional Meeting records, S/PV.7817, 21 November 2016, p. 13)</p> <p>“Above and beyond the thousands of dead, wounded, tortured and imprisoned since the repression began almost a year ago, history has compounded our shame because today is the anniversary of the Hama massacre and falls only one day after another massacre in Homs. The father killed on a mass scale; the son has followed in his footsteps. [Referring to former President Hafiz al-Assad and his son, the current President, Bashar al-Assad]” (Security Council, Provisional Meeting Records, S/PV.6711, 4 February 2012, p. 3)</p> <p>Ukraine:</p> <p>“The forces of the regime and its allies continue to pursue their goal of changing the military balance and creating new realities on the ground. If the recent history of the conflict is any guide, the fragile logic is doomed to failure. In the past three months we have seen four offensives and counter-offensives, with the sides in the conflict taking, losing and retaking the ground. There is no winner in this game, but the losers are obvious — they are the civilians, who continue to suffer from the warmongering of hawks.” (Security Council, Provisional Meeting records, S/PV.7817, 21 November 2016, p. 15)</p> <p>Egypt:</p> <p>“At the outset, let me stress once again what has already been agreed on repeatedly by the international community: that there can be no military solution to the Syrian crisis. A comprehensive settlement is required in order to bring about a united, sovereign Syria that responds to the Syrian people’s desire for a future of security and prosperity that is free of terrorism, and it must be based on Security Council resolutions, particularly resolution 2254 (2015), and the Geneva communiqué. This will require efforts by the Syrian Government and the opposition to agree on an interim phase. [...] Let me reiterate our hope that the Security Council will be able to adopt this view as soon as possible. I would also call once again on all parties within and outside Syria to overcome their political differences in order to end this humanitarian tragedy, whose consequences are being borne by the Syrian people alone.” (Security Council, Provisional Meeting records, S/PV.7817, 21 November 2016, p. 20)</p> <p>“I would like to call on the conscience of the parties to the conflict — those in the country and those with regional or international connections. What you are fighting for in Syria — does it really justify having to see mothers and fathers holding their dying children? What is the victory you seek? What is the aspiration that requires millions of Syrians to seek refuge and</p>
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	<p>mercy from strangers? What religion, what sect can still justify this level of bloodshed?" (Security Council, Provisional Meeting records, S/PV.7825, 5 December 2016, p. 4)</p> <p>“Our priority is to support national armies, for example in Libya to assert control over Libyan territories and deal with extremist elements. The same with Syria and Iraq,’ he [President Al-Sisi] said, responding to a question on whether Egypt would contemplate a United Nations peacekeeping role in Syria. Asked by the interviewer whether he meant the Syrian military, he responded: ‘Yes.’”. (“Egypt’s Sisi expresses support for Syria’s military”, Aljazeera, 23.11.2016, https://www.aljazeera.com/news/2016/11/23/egypts-sisi-expresses-support-for-syrias-military/ (accessed on 18 October 2022))</p> <p>United Kingdom:</p> <p>“The Syrian regime has ferociously escalated its already brutal repression in the last 24 hours, subjecting the citizens of Homs to artillery and heavy weaponry. [...] the Syrian killing machine’s three hundred days of oppression. [...] The regime must cease the violence.” (Security Council, Provisional Meeting Records, S/PV.6711, 4 February 2012, p. 7)</p> <p>“The world and the Syrian people will not forget Russia’s role in carrying out, and supporting the regime in carrying out, such heinous crimes in Syria. Look again at the faces of those left starving, bleeding and dying in Aleppo. They are not terrorists.” (Security Council, Provisional Meeting Records, S/PV.7825, 5 December 2016, p. 7)</p> <p>"The process of a political transition in Syria] necessarily involves the departure of Bashar Al-Assad, not only for moral reasons, given the destruction that he has unleashed upon his own people, but also for practical reasons, because it will never be possible to bring peace and unity to Syria as long as he remains in office.” (Security Council, Provisional Meeting Records, S/PV.7588, 18 December 2015, p. 12)</p> <p>“Following the appalling attacks in the Sinai, Beirut, Ankara and Paris, the Council unanimously decided to adopt resolution 2249 (2015), which calls on all countries to use all the necessary means to combat Daesh. The United Kingdom responded to that resolution by extending into Syria the air strikes that we were already carrying out in Iraq against Daesh. In that regard, it is vital that all countries that claim to be fighting Daesh do what they say rather than direct the bulk of their attacks against non-extremist opposition groups. There has been clear evidence over the past weeks that the weakening of such groups has created opportunities for the expansion of Daesh in certain areas, the very opposite of the stated objective.” (Security Council, Provisional Meeting Records, S/PV.7588, 18 December 2015, p.12)</p> <p>Germany:</p> <p>“Germany’s position is very clear. The Council should urge Al-Assad to stop the killing. His regime has to put an immediate end to the violence.” (Security Council, Provisional Meeting Records, S/PV.6711, 4 February 2012, p. 4)</p> <p>New Zealand:</p>
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		<p>“The collapse of Syria into the nightmare of civil war has resulted in the spread of insecurity throughout the world. Al-Assad’s cruel response in 2011 to peaceful civilian protest and ongoing breaches of international humanitarian law have fuelled extremism and terrorism. [...] The Al-Assad Government and the opposition fighters must accept that, however much more death and destruction they inflict on their country, there will be no victory. They and those external actors who have serious political stakes in how the Syrian conflict is resolved must accept that political solutions mean political compromise. Anyone who insists on political red lines that block the necessary compromises will have to measure the delay that they cause in terms of more lives lost, more refugees and more suffering.” (Security Council, Provisional Meeting Records, S/PV.7588, 18 December 2015, p. 18)</p> <p>Portugal: “How long will this Council allow the Syrian killing machine to continue to push the country into a bloody sectarian conflict? How many more dead and maimed will it take to finally force this Council into action?” (Security Council, Provisional Meeting Records, S/PV.6711, 4 February 2012, p. 6)</p> <p>Russia: “In response to the ongoing violations of the ceasefire from within the Idlib zone, the Syrian army has the right to retaliate and clamp down on the terrorists. We cannot ban the Syrian army from upholding the commitments made in Security Council resolutions on an uncompromising fight against terrorism in all its forms and manifestations. I would underscore here that this is taking place on its own territory, the territory of sovereign Syria — no one else’s territory.” (Security Council, Provisional Meeting Records, S/PV.8738 , 28 February 2020, p. 11)</p> <p>Colombia: “Since the beginning of the violent repression by the Syrian Government of the civilian population more than ten months ago, we have made many attempts, many appeals to find a solution to the crisis. The response has been a continuous escalation of the brutal use of force and the violation of all the human rights of the people of that country.” (Security Council, Provisional Meeting Records, S/PV.6711, 4 February 2012, p. 7)</p> <p>South Africa: “It continues to deteriorate despite calls from the international community on the Syrian Government and the armed opposition to stop the violence and settle their differences in a peaceful manner. We condemn the violent loss of life in Syria and call for maximum of restraint from all parties to the conflict. We urge the parties to stop the violence immediately and commit themselves to finding a peaceful, political solution through a Syrian-led and owned, transparent and allinclusive political process that will fulfil the legitimate aspirations of the Syrian people.” (Security Council, Provisional Meeting Records, S/PV.6711, 4 February 2012, p. 11)</p> <p>Qatar:</p>
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	<p>“Upon the instructions of my Government, I write to convey to you that the State of Qatar is alarmed at the escalation of the level of violence in the Syrian Arab Republic, and at the brutal use of force by regime forces and its loyal militias against the brotherly Syrian people, in particular the current shelling of tens of thousands of civilians in the central city of Homs, who have been for days under siege without water or electricity. Those actions threaten the national unity and territorial integrity of Syria, as well as peace and security in the whole region. As this is the latest in a series of crimes against humanity, the State of Qatar appeals to the Security Council to take immediate, bold and unified action, according to its mandated responsibility under Chapter VII of the Charter of the United Nations, in order to maintain peace and security in the region, stop those crimes and prevent the violence from escalating to a larger scale comparable to cases in which the international community failed to take timely action to prevent civil wars and war crimes.” (A/66/856–S/2012/438, Letter of 21 June 2012 from Qatar to the UN Secretary General)</p> <p>Uruguay: “But I think that we must be persistent in our efforts to ensure that the solution to the crisis in Syria be a political one and not military.” (Security Council, Provisional Meeting Records, S/PV.7825, 5 December 2016, p. 7)</p> <p>Poland: „As there is no military solution to the Syrian conflict, this situation must stop.“ (Security Council, Provisional Meeting records, S/PV.8527, 17 May 2019, p. 11)</p> <p>United States, United Kingdom, France: <i>### Statement by the Russian Delegation ###</i>: “I simply want to state for the record that we are witnessing, within the Security Council, the normalization of a culture of unacceptable behaviour. When the Permanent Representative of the Syrian Arab Republic took the floor, other Permanent Representatives purposefully stood up and left the Chamber. We believe that such conduct points to their lack of courage to listen to a statement made by a professional colleague. That is unacceptable.” (Security Council, Provisional Meeting records, S/PV.7817, 21 November 2016, p. 21)</p> <p>Turkey: “Bloodshed, agony and the suffering of the Syrian people continue to grow after the regime in Syria has chosen to wage a war against the Syrian people, who took to the streets in peaceful demonstrations for democratic reforms and freedoms in 2011.” (S/2015/563, Letter of 24 July 2015 from Turkey to the President)</p> <p>“I am writing to you with regard to the letter from Syria, dated 15 February 2013 (A/67/745-S/2013/98), which once again aims at distracting the focus of the international community on the grave humanitarian consequences of the Syrian crisis due to the deliberate and indiscriminate assault of the Syrian regime on its people. The letter is yet another futile attempt by the Syrian regime to cover up the truth. Such unfounded allegations cannot be taken into consideration and are nothing more than a failed regime’s desperate and deceptive effort to legitimize, unavailingly, the situation in Syria, by refusing to assume responsibility and putting the blame on others. The regime wages an all-out war on its people, calls them ‘terrorists’ and denies not only their</p>
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	<p>legitimate aspirations but also their fundamental rights. Contrary to how the Syrian regime portrays it, the ongoing situation in Syria is not a fight against terror. It is a struggle for democracy against tyranny. Regional peace and stability is under serious threat due to the brutal policies of the Syrian regime, spilling over to the neighbourhood. Having rejected similar baseless allegations of the Syrian regime in various platforms in earlier instances, Turkey will continue to cooperate with the international community to support and extend a helping hand to the Syrian people, whose legitimate aspirations should be met without further delay.” (, A/67/744–S/2013/101, Letter of 21 February 2013 from Turkey to the UN SG)</p> <p>„The recent aggression of the regime might displace an additional hundreds of thousands of people. [...] The [Syrian] regime has frequently committed crimes against humanity. [...] We cannot and should not leave the Syrian people to the mercy of the regime.“ (Security Council, Provisional Meeting Records, S/PV.8527, 17 May 2019, p. 20)</p> <p>“I am writing to you with regard to the letter dated 30 July 2012 from Syria (S/2012/589), which contains some unpleasant allegations and vilifications against third countries in the face of acute developments in Syria. It is indeed utterly perplexing to see such a letter from a regime which is currently waging a war against its own people, the people of Syria, whose legitimate aspirations for universal values such as the rule of law, human rights, good governance and a functioning, pluralist democracy are fully supported by the international community. However, it is the current regime that calls them “terrorists”, denies them such fundamental rights and kills them indiscriminately, as is the case now in Aleppo where the regime forces are bombarding a Syrian city randomly, in front of our eyes.” (S/2012/607, Letter of 8 August 2012 from Turkey to the President of the Security Council)</p> <p>Saudi Arabia:</p> <p>“The Kingdom of Saudi Arabia affirms that, since the Syrian crisis began, it has consistently supported efforts to arrive at a peaceful resolution and has never ceased to cooperate with the international community as it responds to the humanitarian crisis caused by the war the Syrian regime has waged and the crimes against humanity that the regime has committed against its people. The Syrian regime is persisting in its attempts to occupy the United Nations and the Security Council with a pack of lies and waging a campaign to distort Saudi Arabia’s position on the Syrian crisis. This is nothing but a petty, desperate attempt on the part of the regime to deflect the international community’s attention from the atrocities and systematic violence it is committing. The Syrian regime is attempting to hide its violations of human rights, international human rights law and international humanitarian law under the guise of what it calls the war on terrorism and takfirist ideology. It is no secret to the international community that the only source of terrorism in Syria is the Syrian regime itself. The party that is promoting a duplicitous campaign against terrorism would do better to put an end to the terrorism it perpetrates against its people. [...] The Syrian regime continues to commit crimes, spread fanaticism and sectarianism among a single people and the entire region, and torture and humiliate our brothers in Syria.” (A/68/769–S/2014/92, Identical Letters from Saudi Arabia to the UN SG and President of the Security Council, p. 1)</p> <p>Venezuela:</p>
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	<p>“Venezuela believes the legitimate Government of President Al-Assad to be one of the key players in the political equation that could lead to a resolution of the conflict.” (Security Council, Provisional Meeting Records, S/PV.7588, 18 December 2015, p. 17f.)</p> <p>Tunisia: “‘Tunisia will always be by Syria’s side to support it in its war against terrorism until it is defeated,’ [UGTT Deputy Secretary-General Bouali Mbarki] pointed out.” (“Restoring Relations between Tunisia and Syria at heart of UGTT delegation/ Bashar Al Assad Meeting”, Agence Tunis Afrique Presse, 31.07.2017, https://www.tap.info.tn/en/Portal-Top-News-EN/9248174-restoring-relations (accessed on 18 October 2022))</p>
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365 Russia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 - invitation	4	2	2	2	2	2	„I have the honor to inform you that, in response to a request from the President of the Syrian Arab Republic, Bashar al-Asad , to provide military assistance in combating the terrorist group Islamic State in Iraq and the Levant (ISIL) and other terrorist groups operating in Syria, the Russian Federation began launching air and missile strikes against the assets of terrorist formations in the territory of the Syrian Arab Republic on 30 September 2015.“ (S/2015/792, Letter of 15 October 2015 from Russia to the President of the Security Council)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	2 Maintenance of law and order	<p>"Rejected in this regard all attempts to create new realities on the ground under the pretext of combating terrorism, including illegitimate self-rule initiatives, and expressed their determination to stand against separatist agendas aimed at undermining the sovereignty and territorial integrity of Syria as well as threatening the national security of neighboring countries; [...]" (S/2019/639, 2 August 2019, Joint Statement by Russia, Iran and Turkey)</p> <p>„The Syrian Government and Russia’s representatives have always tried to prevent violence and resolve situations peacefully, when appropriate, even when illegal armed groups are involved. Peace has been restored in most of the territory of the Syrian Arab Republic through this type of negotiation. However, there is one obstructive factor in Idlib — the continuing aggressive actions of Hayat Tahrir Al-Sham terrorists, which have provoked a serious escalation of tensions in the area. The militants continue to attack Government held positions and shell nearby settlements, where the victims are both civilian and military Syrians.“ (Security Council, Provisional Meeting records, S/PV.8527, 17 May 2019, p. 13)</p>
5.2	3 Maintenance of regional stability	<p>"Rejected in this regard all attempts to create new realities on the ground under the pretext of combating terrorism, including illegitimate self-rule initiatives, and expressed their determination to stand against separatist agendas aimed at undermining the sovereignty and territorial integrity of Syria as well as threatening the national security of neighboring countries; [...]" (S/2019/639, 2 August 2019, Joint Statement by Russia, Iran and Turkey)</p> <p>„Given the basis of statements by some Western politicians on President Al-Assad’s loss of legitimacy, such an approach could trigger a full-fledged conflict in Syria and destabilization in the region as a whole. The collapse of Syria as a result of a civil war would have a very destructive impact on the situation in the entire Middle East.“ (Security Council, Privisional Meeting Records, S/PV.6627, 4 October 2011, p. 4)</p>

		„Russia will continue to put its efforts into restoring peace to Syria [...].“ (Security Council, Provisional Meeting records, S/PV.8527, 17 May 2019, p. 14)
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	Code	Material
6. UNSC Reaction	5 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	<p>United States: “Russia and the Al-Assad regime’s merciless attacks must end and those behind such attacks must know that we and the international community are watching their actions and documenting their abuses, and that one day they will be held accountable.” (Security Council, Provisional Meeting records, S/PV.7817, 21 November 2016, p. 11)</p> <p>“Today, we want to send a clear signal to the Al-Assad regime and its supporters, Russia and Iran, that there is no military solution to the Syrian conflict. The only solution is a political transition, as outlined in resolution 2254 (2015), namely, a ceasefire; the establishment of credible, inclusive, non-sectarian governance that respects the rights of the Syrian people; constitutional revision; and free and fair elections pursuant to the new constitution, supervised by the United Nations, with the participation of all Syrians, including members of the diaspora.” (Security Council, Provisional Meeting records, S/PV.8527, 17 May 2019, p. 7)</p> <p>France: “Over the past two months, France has unceasingly sought to hammer home a message that I repeat again today. The regime and its supporters must immediately and definitively cease their bombings of Aleppo and allow humanitarian actors to swiftly deliver emergency aid to the entire population that stands in need today. That call is shared by a very large majority of members of this Council. [...] On behalf of France, I would like to underscore once more the absolute urgency of immediately ending the bombardments and the war, to seek together a political solution. That is the only possible way out of the tragedy, and it is the responsibility of the Security Council, whose credibility is heavily involved.” (Security Council, Provisional Meeting records, S/PV.7817, 21 November 2016, p. 13)</p> <p>Angola: “The real influence of certain regional Powers, as well as that which some members of the Council are able to exert on the parties concerned, should be used to advance a political solution to the conflict instead of supplying weapons and lethal equipment to the sides in the conflict in the search for an impossible military outcome.” (Security Council, Provisional Meeting records, S/PV.7817, 21 November 2016, p. 15)</p> <p>New Zealand:</p>

	<p>“Today’s veto demonstrates to the world that for Moscow and Damascus our common refrain — that there is no military solution to this conflict — is a hollow fiction. For those countries it is clear that a military victory is precisely what they want and are actively pursuing, even if its cost is continued carnage [Blutbad] inflicted on the Syrian people.” (Security Council, Provisional Meeting Records, S/PV.7825, 5 December 2016, p. 5)</p> <p>China: „In the past few months, terrorist groups [the armed opposition] have tightened their grip on Idlib, and in the areas they control have threatened civilians’ physical safety and launched frequent attacks on Russian military bases and Government-controlled areas, which have resulted in civilian casualties and seriously undermined regional security. The international community will not tolerate such reckless action on the part of terrorist forces. China supports the counterattacks in response to the terrorist groups’ heinous acts. [...] Counter-terrorism is a major part of the solution to the Syrian problem. If terrorism is not eradicated, there can be no peace for the Syrian people and no security for the countries of the region. The international community must harmonize standards, crack down resolutely on all terrorist groups listed by the Council and continue to consolidate counterterrorism achievements.” (Security Council, Provisional Meeting records, S/PV.8527, 17 May 2019, p. 15)</p> <p>Ukraine: „It is utterly frustrating that the counter-terrorism narrative will continue to be used by Russia as an alibi for bombardments of opposition forces and civilians in Aleppo and elsewhere. History will hold accountable those who did not let the Council discharge its duties.” (Security Council, Provisional Meeting records, S/PV.7825, 5 December 2016, p. 10)</p> <p>South Africa: “Fundamentally, no foreign or external parties should interfere in Syria as its people engage in the critical decision-making process on the future of their country.” (Security Council, Provisional Meeting Records, S/PV.6711, 4 February 2012, p. 11)</p> <p>Armenia: „In a show of support for its main military ally, Armenia condemned on Wednesday Turkey’s downing of a Russian warplane, saying that it undermined international efforts to defeat terrorist groups operating in Syria. ‘I think that at a time when the international community is concentrating its efforts on a fight against international terrorism it can be said that it was a direct blow to those efforts,’ [Defense Minister Seyran] Ohanian said in what was the first Armenian reaction to Tuesday’s incident near the Syrian-Turkish border. The Russian Su-24 bomber was reportedly shot down by a Turkish F-16 fighter jet after attacking rebel forces in a northern Syrian region bordering Turkey.” (“Armenia Condemns Turkey’s Downing of Russian Jet”, Sargis Harutyunyan, 25.11.2015, https://www.azatutyun.am/a/27386412.html <u>(accessed on 17 October 2022)</u>)</p> <p>Egypt: „We believe that the (Russian intervention) will impact the fight against terrorism in Syria and help eliminate it,’ Egyptian Foreign Minister Sameh Shukri said.” (“Split over Syria President Bashar al-Assad,” The Straits Times, 5.10.2015,</p>
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	https://www.straitstimes.com/world/middle-east/split-over-syria-president-bashar-al-assad-arab-states-mum-on-russias-syria (accessed on 17 October 2022))
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630 Iran

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 – invitation	4	2	2	2	2	2	“The presence of a limited number of Iranian military advisers in Syria is on the invitation of the legitimate Syrian Government , is aimed at assisting Syrian forces and their allies in their fight against internationally designated terrorist groups and will continue as long as necessary.” (S/2018/459, Letter of 14 May 2018 from Iran to the President of the Security Council)
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material

0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	4 no reaction	
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	<p>United States: "Today, we want to send a clear signal to the Al-Assad regime and its supporters, Russia and Iran, that there is no military solution to the Syrian conflict. The only solution is a political transition, as outlined in resolution 2254 (2015), namely, a ceasefire; the establishment of credible, inclusive, non-sectarian governance that respects the rights of the Syrian people; constitutional revision; and free and fair elections pursuant to the new constitution, supervised by the United Nations, with the participation of all Syrians, including members of the diaspora." (Security Council, Provisional Meeting records, S/PV.8527, 17 May 2019, p. 7)</p> <p>Saudi Arabia "Saudi Arabia has called for the immediate withdrawal of armed foreign forces and soldiers from Syrian territory. That would enable Syrians to choose their own future without foreign interference, preserve Syria's sovereignty, independence and territorial integrity, and realize the aspirations of the entire Syrian people, without discrimination. However, the Syrian regime continues to rely on mercenaries, bring in Iranian Revolutionary Guard troops and Hizbullah militias, authorize foreign occupation of its soil, fragment Syrian national unity and threaten the country's territorial integrity." (A/68/769-S/2014/92, Identical Letters from Saudi Arabia to the UN SG and President of the Security Council, p. 2)</p>

Syrian insurgents

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>„On 15 September, a coalition of Syrian opposition leaders announced the formation of a national council and released a national consensus charter affirming the peaceful, inclusive and non-sectarian character of the uprising. They also committed to the establishment of a modern State that would guarantee the rule of law and respect for human rights.“ (United Nations Yearbook, 2011, p. 470)</p> <p>“The heroic Syrian people continue to offer a vivid example of a revolutionary, peaceful and civilized struggle on Syria’s blessed ground. They have made clear their determination to rid Syria of the tyranny that it has lived through for decades, and build a proud and dignified nation that accommodates its entire people, [...] First: The objective of the national revolution is to overthrow the regime, including its head, pillars of support and representatives, by all lawful means. [...] [§ 1 Affirming that the Syrian revolution is a revolution for freedom and dignity.“ (Syrian National Council, National Consensus Charter, https://de.scribd.com/document/65138948/SNC-National-Consensus-Charter (accessed on 17 October 2022))</p> <p>“The main declared aim of the SNC is to provide ‘the necessary support for the revolution to progress and realise the aspirations of our people for the overthrow of the regime, its symbols and its head’.” (“Q&A: Syrian opposition alliance”, BBC, 16.11.2011, https://www.bbc.com/news/world-middle-east-15155804 (accessed on 17 October 2022))</p>

						<p>“The SNC released a National Consensus Charter affirming the peaceful, inclusive and non-sectarian character of the Syrian uprising, and committing the SNC to the establishment of a ‘modern civil state in which its constitution guarantees: equal rights among its citizens, the peaceful transfer of power, independence of the judiciary, rule of law, respect of human rights, freedom of the press, and political, cultural, religious, and personal rights for all components of Syrian society, within a context of national unity.’” (United States Institute of Peace, Syria’s Opposition, 20.09.2011, https://www.usip.org/publications/2011/09/syrias-opposition (accessed on 23 October 2022))</p> <p>“The struggle of the Syrian people for freedom, equal citizenship and democracy has the support of a large majority of the international community.” (Syrian National Council, Information on the SNC, http://syriancouncil.org (accessed on 23 October 2022))</p> <p>“We believe in a free and democratic Syria where all Syrian citizens, regardless of their ethnicity, creed, religion or class shall enjoy equal rights and live in liberty, justice and peace. [...] The Free Syrian Army is a military structure responsible to all Syrian citizens and will submit to the authority of a democratically elected civilian government. We seek a peaceful end to Syria’s crisis, but will fight if necessary to end the dictatorship of the Assad. Our aim is to protect Syria’s civilians and to guarantee a brighter future. [...] We welcome our international allies and partners to assist us in this revolution for freedom and dignity.” (Enclosure 3 to S/2014/224, Supreme Military Council of the Free Syrian Army, Proclamation of Principles)</p> <p>„For the past 29 months, the Syrian regime has chosen to ignore its basic duty to protect its people and has instead systematically engaged in a campaign of indiscriminate violence against its own population in its attempts to suppress a popular uprising calling for democratic reform. This has caused the displacement and widespread suffering of millions of Syrians, who continue to be vulnerable to regime attacks.” (S/2013/492, Letter of 15 August 2013 from Germany to the President)</p> <p>"With peace talks scheduled for 22 January 2014, it is incumbent upon the international community to insist that those with blood on their hands are not able to dictate Syria’s future, or determine the path of our country’s transition. Indeed, the Syrian people must be assured that those who have brutalized their country and systematically violated their most basic and fundamental human rights are removed from the process of building a free, fair and democratic Syria." (S/2013/719, Letter of 4 December 2013 from Italy to the President, p. 3)</p> <p>“Ultimately, the only way to end the violence and stop the suffering of the Syrian people is to establish a transitional Government that can administer Syria’s path to democracy. The Syrian</p>
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						<p>Coalition therefore urges the Security Council to use all means at its disposal as provided for in the United Nations Charter, to bring pressure to bear on the Assad regime to start our country's transition to democracy." (S/2013/618, Letter of 18 October 2013 from Great Britain to the President, p. 3)</p> <p>"In Geneva, we introduced a statement of basic principles, in which we proposed a transitional framework that meets the requirements of the Geneva Communiqué as well as the democratic aspirations of the Syrian people [...] In addition, the Geneva negotiations will lose their purpose if Mr. Assad proceeds with his plan for presidential elections and nominates himself to stay in office, as has been stated by regime officials on several occasions. If this happens, it means that the Assad regime has no desire and is not serious about agreeing on the political transition, as stipulated in the Geneva Communiqué. This will lead to the collapse of the entire political process and Syria will enter an endless vortex of bloody violence." (S/2014/182, Letter of 13 March 2014 from the Netherlands to the President)</p> <p>"The Assad regime does not intend to meet its obligations under international law. It has consistently demonstrated this since the start of its brutal oppression of the Syrian revolution three years ago. Security Council resolution 2139 (2014) has, unfortunately, failed to change the regime's behaviour. [...] [p. 8] The Free Syrian Army has suffered significant casualties from its engagement on two fronts, with the regime and with ISIS, to pursue the democratic objectives of the uprising." (S/2014/224, Letter of 27 March 2014 from Saudi Arabia to the President, p. 2)</p> <p>"For the past three years the Syrian regime has employed a brutal strategy designed to force the people of Syria into submission and silence dissent to its rule." (S/2014/308, Letter of 30 April 2014 from Saudi Arabia to the President)</p> <p>"Since the start of the Syrian revolution in March 2011, more than 162,000 Syrian lives have been lost as a result of the Syrian regime's brutal campaign of oppression." (S/2014/362, Letter of 30 April 2014 from the Netherlands to the President, p. 2)</p>
<p>Letter sent in accordance with Art. 51 UNCh</p>	<p>0 – not applicable</p>					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	5 humanitarian	<p>“The Free Syrian Army (Free Syrian Army) was formed in 2011 to protect civilians from regime brutality.” (S/2014/224, Letter of 27 March 2014 from Saudi Arabia to the President, p. 5)</p> <p>“Our aim is to protect Syria’s civilians [...]” (Enclose 3 S/2014/224, Supreme Military Council of the Free Syrian Army, Proclamation of Principles)</p> <p>“Since Syria’s democratic uprising began in March 2011, the Assad regime has increased its systematic violations of the fundamental human rights of the Syrian people. Among their most egregious crimes, regime forces have fired live ammunition on peaceful protestors, tortured and summarily executed children, raped and sexually abused women and deployed ballistic missiles, cluster munitions and aerial weapons to target and kill thousands of innocent civilians.” (S/2013/719, Letter of 4 December 2013 from Italy to the President, p. 2)</p> <p>“The regime has turned Nubl and Zahra into military strongholds, with many heavy weapons in use there, and is using the towns as bases from which to bomb and attack neighbouring villages. [...] In old Homs, some Christian communities remained under the protection of the Free Syrian Army during the long siege by the regime. In Kadin on the Syrian coast, the Murshidi community lived under the auspices of the Free Syrian Army for almost a year. In August 2013, the regime bombed and threatened the Murshidi, as a result of which they were forcibly displaced.” (S/2014/224, Letter of 27 March 2014 from Saudi Arabia to the President, p.6)</p>

	Code	Material
6. UNSC Reaction	3 unclear	<p><i>SC Res 2139 (2014), 22 February 2014, S/RES/2139 (2014):</i> “[§ 2] Demands that all parties immediately put an end to all forms of violence, irrespective of where it comes from [...]”</p>
7. UNGA Reaction	4 no reaction	

8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Bahrain, Colombia, Egypt, France, Germany, Jordan, Kuwait, Libya, Morocco, Oman, Portugal, Qatar, Saudi Arabia, Togo, Tunisia, Turkey, the United Arab Emirates, the United Kingdom and the United States:</p> <p><i>### the majority in the Security Council:</i></p> <p>“[§ 3] Condemns all violence, irrespective of where it comes from, and in this regard demands that all parties in Syria, including armed groups, immediately stop all violence or reprisals, including attacks against State institutions, in accordance with the League of Arab States’ initiative” (S/2012/77, 4 February 2012, Draft Resolution on the Situation of Human Rights in the Syrian Arab Republic)</p> <p>31 Members of the UN GA:</p> <p>„ [§ 40] Reaffirms its commitment to international efforts to find a political solution to the Syrian crisis that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State [...] and enables them independently and democratically to determine their future, including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions;“ (A/C.3/70/L.47, 2 November 2015, Draft Resolution on the Situation of Human Rights in the Syrian Arab Republic)</p> <p>France:</p> <p>„Thus, we cannot doubt the meaning of the veto against this text today. This is not a matter of language, it is a political choice. It is a veto on principle, which means that it is a refusal of all Council resolutions against Syria. It shows disdain for the legitimate aspirations that have been so bravely expressed in Syria for the past five months. It is a rejection of this tremendous movement for freedom and democracy that is the Arab Spring.“ (Security Council, Provisional Meeting Records, , S/PV.6627, 4 October 2011, p. 3)</p> <p>“We will continue to support the peaceful Syrian opposition that is rallying around the Syrian National Council.” (Security Council, Provisional Meeting Records, S/PV.6711, 4 February 2012, p. 4)</p> <p>“First, we believe that the ceasefire should accompany, not precede, the transition, and that only the advent of this transition can provide the opposition with the necessary security conditions.” (Security Council, Provisional Meeting Records, S/PV.7588, 18 December 2015, p. 9)</p> <p>Portugal:</p> <p>“We urge all parties in Syria to immediately halt all violence and engage in a serious political dialogue under the auspices of the League of Arab States.” (Security Council, Provisional Meeting Records, S/PV.6711, 4 February 2012, p. 6)</p> <p>United States:</p> <p>“The United States recognizes that it is not just the Al-Assad regime and its allies that are causing civilians to suffer in Syria. We condemn, in the strongest terms, all indiscriminate shelling by opposition forces into the civilian areas of western Aleppo.</p>

		<p>Those attacks have reportedly caused more than 60 casualties since 1 November. We agree with Russia that there can be no justification for such attacks [...] I wish to stress that the United States recognizes that non-State groups have also committed many abuses against detainees, including torture. We condemn any group using such tactics in the strongest terms and we demand that immediate access be granted to monitor all detention facilities, whether regime, terrorist or opposition.” (Security Council, Provisional Meeting records, S/PV.7817, 21 November 2016, p. 11)</p> <p>„[The Syrian government] called on those bearing arms to surrender their weapons and guaranteed their immediate release. On 4 November, however, the United States called on the armed individuals not to surrender their weapons.“ (United Nations Yearbook 2011, p. 470)</p> <p>Syria: “Syria affirms that terrorism cannot be characterized as self-defence, and would like to draw attention to the opportunism of certain States, which claim to be fighting global terrorism even as they are arming terrorists in Syria and other parts of the world. The prevalence of such a notion will undermine all efforts to counter terrorism and crime.” (S/2012/131, Letters of 2 March 2012 from Syria to the UN GS and SC President)</p> <p>“Peaceful demonstration is a basic right guaranteed under Syrian law. The right to demand reform is the right of every Syrian citizen, and no one can deny that. But what no law can prevent and no State can accept is terrorism, chaos and the sabotaging of public and private property — the destabilization of a country. Every peaceful demonstrator, every person who calls for genuine reform aimed at safeguarding the Syrian homeland from major schemes and all those who seek dialogue as a way to resolve the crisis are not only welcome partners but key components of any effort to end the crisis in Syria as well as an integral part of reform and development in Syria.” (Security Council, Provisional Meeting Records, S/PV.6711, 4 February 2012, p. 14)</p> <p>Uruguay: “But I think that we must be persistent in our efforts to ensure that the solution to the crisis in Syria be a political one and not military.” (Security Council, Provisional Meeting Records, S/PV.7825, 5 December 2016, p. 7)</p> <p>Venezuela: “In the light of what is happening, why has the so-called moderate opposition not clearly and tangibly decoupled itself from those terrorist groups? It seems they are not so moderate as they present themselves to the international community. It is evident that complicity between the terrorist groups in eastern Aleppo and the so-called moderate opposition is a serious obstacle to peace in Syria. [...] Those terrorist groups and their partners have become looming threats to peace and stability in the region. We must counter their influence with all available and necessary measures, while strictly adhering to international law.” (Security Council, Provisional Meeting records, S/PV.7817, 21 November 2016, p. 18)</p> <p>„We have insisted that the so-called moderate opposition be separated from Al-Qaida and the Al-Nusra Front in order to show its true intentions with regard to achieving peace through political negotiations. The opposition needs to join the fight against</p>
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	<p>terrorism and cease to be part of the scourge as it has unfortunately been until now.” (Security Council, Provisional Meeting records, S/PV.7825, 5 December 2016, p. 9)</p> <p>“Opposition groups should be aware that they must sit down and negotiate with the Syrian authorities in a constructive spirit to achieve a political and peaceful solution to the conflict. With regard to the designation of terrorist groups, there must not be any double standards or “good” and “bad” terrorists. That aspect is important because the Syrian Government is waging a merciless battle against the terrorist organizations of the Islamic State in Iraq and the Sham (ISIS) and Al-Nusra Front, among others, which have expanded their activities to other countries in the Middle East, North Africa and other regions. If the international community does not act decisively to prevent the financing, training and arms transfers to those groups and stop their use and encouragement as tools to overthrow Governments, all peoples will continue to pay a high price to achieve the peace and security that they so yearn for.” (Security Council, Provisional Meeting Records, S/PV.7588, 18 December 2015, p. 18)</p> <p>Russia:</p> <p>„With respect to Syria, we are not advocates of the Al-Assad regime. We believe that the violence is unacceptable, and we condemn the repression of protests by peaceful demonstrators. However, the continuation of this tragedy cannot be blamed only on the harsh actions of the authorities. Recent events convincingly show that the radical opposition no longer hides its extremist bent and is relying on terrorist tactics, hoping for foreign sponsors and acting outside of the law. Armed groups supported by smuggling and other illegal activities are providing supplies, taking over land, and killing and perpetrating atrocities against people who comply with the lawenforcement authorities.” (Security Council, Provisional Meeting Records, S/PV.6627, 4 October 2011, p. 4)</p> <p>“The sponsors of the draft resolution did not take into account our proposed amendments to the draft resolution to the effect that the Syrian opposition must distance itself from extremist groups that are committing acts of violence, and calling on States and all those with any relevant opportunity to use their influence to stop those groups committing acts of violence. Nor has account been taken of our proposals that along with the withdrawal of the Syrian armed forces from the cities, there should be an end to attacks by armed groups on State institutions and neighbourhoods.” (Security Council, Provisional Meeting Records, S/PV.6711, 4 February 2012, p. 9)</p> <p>China:</p> <p>„In the past few months, terrorist groups [the armed opposition] have tightened their grip on Idlib, and in the areas they control have threatened civilians’ physical safety and launched frequent attacks on Russian military bases and Government-controlled areas, which have resulted in civilian casualties and seriously undermined regional security. The international community will not tolerate such reckless action on the part of terrorist forces.” (Security Council, Provisional Meeting records, S/PV.8527, 17 May 2019, p. 15)</p>
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	<p>“[§ 1] The Syrian Government and all parties concerned should immediately, fully and unconditionally cease all acts of violence, particularly violence against innocent civilians. Various factions in Syria should express political aspirations through non-violent means.” (A/66/732-S/2012/136, Letter of 6 March 2012 from China to UN Secretary General)</p> <p>India: “Prolonged instability and unrest in Syria have implications for peace and stability in the wider region. India is concerned about the present situation in Syria, which has resulted in the deaths of thousands of civilians and security forces personnel over the past 10 months. Therefore, since the beginning of the protest, we have called for a peaceful and inclusive political process to address the grievances of all sections of Syrian society. We strongly condemn all violence, irrespective of the perpetrators. [...] It would be necessary for all opposition forces in Syria to peacefully engage in constructive dialogue with the authorities.” (Security Council, Provisional Meeting Records, S/PV.6711, 4 February 2012, p. 8)</p> <p>South Africa: “It continues to deteriorate despite calls from the international community on the Syrian Government and the armed opposition to stop the violence and settle their differences in a peaceful manner. We condemn the violent loss of life in Syria and call for maximum of restraint from all parties to the conflict. We urge the parties to stop the violence immediately and commit themselves to finding a peaceful, political solution through a Syrian-led and owned, transparent and allinclusive political process that will fulfil the legitimate aspirations of the Syrian people.” (Security Council, Provisional Meeting Records, S/PV.6711, 4 February 2012, p. 11)</p> <p>Togo: “Togo had hoped that the situation that has prevailed in Syria for almost a year would allow the Security Council to send a strong message to the leaders and opposition in that country to end the violence and embark on a process of political negotiation that is inclusive and transparent.” (Security Council, Provisional Meeting Records, S/PV.6711, 4 February 2012, p. 12)</p> <p>New Zealand: “The Al-Assad Government and the opposition fighters must accept that, however much more death and destruction they inflict on their country, there will be no victory. They and those external actors who have serious political stakes in how the Syrian conflict is resolved must accept that political solutions mean political compromise. Anyone who insists on political red lines that block the necessary compromises will have to measure the delay that they cause in terms of more lives lost, more refugees and more suffering.” (Security Council, Provisional Meeting Records, S/PV.7588, 18 December 2015, p. 18)</p>
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640 Turkey

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Law invoked?	1 Yes						
1.1 Justificatory claim	.2 Source of law	Contestation about					Material
1 self-defence	1 Treaty	.3 facts 2 No	.4 interpretation 1 Yes	.5. exceptional circumstances 2 No	.6 abstr. gen. level 1 Yes	.7 validity 2 No	<p>“Turkey initiated Operation Peace Spring on 9 October 2019, in line with the right of self-defence as outlined in Article 51 of the Charter of the United Nations, to counter the imminent terrorist threat, to ensure Turkey’s border security, to neutralize terrorists starting from along the border regions adjacent to Turkish territory and to liberate Syrians from the tyranny of PKK’s Syrian branch, PKK/PYD/YPG, as well as Deash.” (S/2019/804, Letter of 9 October 2019 from Turkey to the Security Council)</p> <p>“Turkey is fully committed to the territorial integrity, sovereignty and unity of Syria and all her actions are in adherence to these principles. Turkey, like any other member of the United Nations, is entitled to exercise her inherent right of self-defence emanating from the Charter, in response to threats to her national security.” (S/2019/958, Letter of 19 December 2019 from Turkey to the Security Council)</p> <p>„As President Erdoğan stated very clearly again today, we will not withdraw our forces, and we will not abandon our observation posts. We will not allow the regime to act in a way that is contrary to the agreements on Idlib. Acting in self-defence, we have already reinforced our forces on the ground. We will continue without hesitation to take all necessary measures.“ (SC Provisional Meeting Records, S/PV.8734, 27 February 2020, p. 25)</p>
Letter sent in accordance with Art. 51 UNCh	1 yes						

2.1 Justificatory claim	.2 Source of law	Contestation about					.7 validity	Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level			
3 invitation	1 Treaty	2 No	1 Yes	2 No	2 No	2 No	<p>### The Adana agreement (concluded in 1998) obliged Syria to prevent PKK activity on its territory ###</p> <p>### For contestation about application, see Syrian reaction (invocation of use of force) ###</p> <p>“Besides, the Adana agreement signed on 20 October 1998 by the Republic of Turkey and the Syrian Arab Republic constitutes a contractual basis for my country to fight all kinds of terrorism emanating from Syrian territory in its hideouts and in an effective and timely manner.” (S/2019/804, Letter of 9 October 2019 from Turkey to the Security Council)</p>	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable							

3.1 Justificatory claim	.2 Source of law	Contestation about					.7 validity	Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level			
11 intervention below the threshold of force	4 no spec.	1 Yes	1 Yes	2 No	2 No	2 No	<p>“Operation Peace Spring was a limited cross-border counter-terrorism operation to fight such terrorist organizations as the Kurdish Workers Party (PKK), the Democratic Union Party (PYD), the Kurdish People’s Protection Units (YPG) and Da’esh. I therefore flatly reject and strongly condemn any representation of our counter-terrorism operations as an offensive or aggression.” (Security Council, Provisional Meeting Records, S/PV.8645, 24 October 2019, p. 25)</p>	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable							

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	12 Other	<p>### Memorandum of Astana (concluded in 2017), also called Memorandum on the creation of de-escalation areas in the Syrian Arab Republic, provided for checkpoints and observation posts by Turkey, Russia and Iran but was not concluded with Syria ###</p> <p>### Memorandum of Sochi (concluded in 2018) implemented the Astana memorandum and provided for Turkish observation posts. It was also not concluded with Syria ###</p> <p>“The Turkish contingent attacked yesterday had been deployed in accordance with existing de-escalation arrangements in Idlib to ensure the security of our military personnel serving at observations posts; to protect civilians against the regime’s aggression; to ensure rapid and uninterrupted humanitarian access to those in need; to prevent mass displacement movements into Turkey and beyond; to preserve the de-escalation area status of Idlib; and to contribute to the establishment of a nation-wide ceasefire, as called for by resolution 2254 (2015). These were the parameters of the Sochi memorandum of 17 September 2018. Our aim is to return to the status quo ante established then.” (Security Council, Provisional Meeting Records, S/PV.8738, 28 February 2020, p. 15)</p>
5.2	5 humanitarian	<p>“Yesterday’s events are a stark reminder that the regime is hell-bent on continuing its attacks to intimidate Syrian civilians and destroy the Syrian opposition and the prospects for a political solution. Today, the Turkish presence in Idlib represents hope for the millions of civilians stuck in that area and the only bulwark against the regime’s crimes against humanity. The Turkish presence in Idlib is the only reason why millions of Syrians can remain in their homeland without fear. It needs to be clear to everyone that our soldiers sacrificed their own lives to save the lives of civilians in Idlib. The Turkish presence in Idlib is also the sole guarantee for the continuation of humanitarian assistance. [...] Turkey is undertaking these efforts on behalf of the international community in order to protect millions of civilians, mostly women and children.” (Security Council, Provisional Meeting Records, S/PV.8738, 28 February 2020, p. 15f.)</p>

		<p>“Turkey will carry out this operation in support of efforts to facilitate the safe and voluntary return of displaced Syrians to their homes of origin or other places of their choice in Syria in line with international law and in coordination with relevant United Nations agencies.” (S/2019/804, Letter of 9 October 2019 from Turkey to the Security Council)</p> <p>“From the very first day, the objectives of Operation Peace Spring have been clear: to eliminate the long-standing existential terrorist threat along our border with Syria, enforce Syria’s territorial integrity and unity, protect the local population and create an environment conducive to the voluntary, safe and dignified return of Syrians to their homes. The Operation was conducted in full compliance with international law and international humanitarian law.” (Security Council, Provisional Meeting Records, S/PV.8645, 24 October 2019, p. 26)</p> <p>“The Turkish contingent attacked yesterday had been deployed in accordance with existing de-escalation arrangements in Idlib to ensure the security of our military personnel serving at observations posts; to protect civilians against the regime’s aggression; to ensure rapid and uninterrupted humanitarian access to those in need; to prevent mass displacement movements into Turkey and beyond; [...].” (Security Council, Provisional Meeting Records, S/PV.8738, 28 February 2020, p. 15)</p> <p>„If this safe zone can be declared, we can resettle confidently somewhere between 1 to 2 million refugees. Whether with the US or the coalition forces, Russia and Iran, we can walk shoulder to shoulder, hand in hand so refugees can resettle, saving them from tent camps and container camps. [President Recep Tayyip Erdoğan told the UN GA].” (“Recep Tayyip Erdoğan proposes 'safe zone' for refugees in Syria”, The Guardian, 24 September 2019, https://www.theguardian.com/world/2019/sep/24/erdogan-proposes-plan-for-refugee-safe-zone-in-syria (accessed on 17 October 2022))</p> <p>““The process regarding the safe zone would begin with the operation center being formed,’ he [President Erdoğan] said. ‘What really mattered here was the issue of this step being taken on the east of the Euphrates, and this is now being realized together with the Americans,’ he said. The two countries [Turkey and the US], allies in NATO, said they agreed on the ‘rapid implementation of initial measures to address Turkey’s security concerns.’ They also said the safe zone should be a ‘peace corridor,’ and that ‘every effort would be made so that Syrians displaced by war could return to their country’.” (“Turkey, U.S. agree to form joint operation center for Syria safe zone”, Reuters, 7 August 2019, https://www.reuters.com/article/us-syria-security-turkey-idUSKCN1UX0Y9 (accessed on 20 November 2022))</p>
5.3	4 defense against terrorism	<p>“This operation is essential also within the context of the responsibility attributed to States Members of the United Nations in the fight against terrorism through Security Council resolutions 1373 (2001), 1624 (2005), 2170 (2014), 2178 (2014), 2249 (2015) and 2254 (2015).” (S/2019/804, Letter of 9 October 2019 from Turkey to the Security Council)</p>

5.4	11 support by local authorities	<p>“the legitimate representatives of the Syrian people — the National Coalition of Syrian Revolutionary and Opposition Forces, the interim Government, tribal leaders and representatives of minorities, including the Syrian Christian communities — supported the Operation.” (Security Council, Provisional Meeting Records, S/PV.8645, 24 October 2019, p. 26)</p>
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	Code	Material
6. UNSC Reaction	3 unclear	<p>SC, Resolution 2254, 18 December 2015, S/RES/2254 (2015): “[§ 8] Reiterates its call in resolution 2249 (2015) for Member States to prevent and suppress terrorist acts committed specifically by Islamic State in Iraq and the Levant (ISIL, also known as Da’esh), Al-Nusra Front (ANF), and all other individuals, groups, undertakings, and entities associated with Al Qaeda or ISIL, and other terrorist groups, as designated by the Security Council, and as may further be agreed by the ISSG and determined by the Security Council, pursuant to the Statement of the ISSG of 14 November 2015, and to eradicate the safe haven they have established over significant parts of Syria, and notes that the aforementioned ceasefire will not apply to offensive or defensive actions against these individuals, groups, undertakings and entities, as set forth in the 14 November 2015 ISSG Statement;”</p>
7. UNGA Reaction	4 no reaction	<p>HRC, Draft Resolution on ‘The human rights situation in the Syrian Arab Republic’, 24 September 2019, A/HRC/42/L.22: “[preamble] Recalling Security Council resolution 2336 (2016) of 31 December 2016, stressing the continuing need to respect the de-escalation area of Idlib, acknowledging the signing by Turkey and the Russian Federation of the memorandum on the stabilization of the situation in the Idlib de-escalation area on 17 September 2018, and emphasizing the need to establish an effective and lasting nationwide ceasefire in the Syrian Arab Republic.”</p> <p>HRC, Draft Resolution on ‘The human rights situation in the Syrian Arab Republic’, 29 September 2020, A/HRC/45/L.45: “Deplores the military offensive instigated by Syrian regime forces in Idlib Governorate and surrounding areas in December 2019, which continues to indiscriminately target and severely affect the civilian population, and remains extremely concerned about the situation, notes in this regard the signing on 5 March 2020 of the Additional Protocol to the Memorandum on the Stabilization of the Situation in the Idlib De-escalation Area, between the Russian Federation and Turkey, and stresses the importance of continuing to work towards preserving calm on the ground and the urgent need for the immediate cessation of any military hostilities in Idlib and surrounding areas, the prioritization of the protection of all civilians, including those previously displaced, and the guarantee of rapid and unimpeded humanitarian access;”</p> <p>HRC, Draft Resolution on ‘The human rights situation in the Syrian Arab Republic’, 20 April 2020, A/HRC/43/L.33: “[preamble] Recalling Security Council resolution 2336 (2016) of 31 December 2016, acknowledging the signing by Turkey and the Russian Federation of the memorandum on the stabilization of the situation in the Idlib de-escalation area on 17 September 2018 and the additional protocol thereto on 5 March 2020, and stressing the urgent need for the Syrian authorities and their State and non-State allies to cease any military offensive in Idlib and surrounding areas, and for all relevant parties to implement a complete ceasefire in Idlib [...].”</p>
8. ICJ Reaction	4 no reaction	

<p>9. State Reaction</p>	<p>3 unclear</p>	<p>Syria: “On 9 October the Turkish regime began a new chapter in its aggression against my country, in flagrant violation of international law, the principles of the Charter of the United Nations, the relevant Security Council resolutions, the outcome documents of the Astana meetings and the Sochi memorandum, all of which stress the importance of respecting Syria’s territorial integrity and sovereignty. The Turkish aggression has resulted in the occupation of Syrian territory and the killing and injuring of hundreds of martyrs and civilians, [...] To justify its aggression, the Turkish regime included in its letter addressed to the President of the Council (S/2019/804) a number of lies that fool no one. It claimed, for instance, that the aggression is intended to facilitate the return of displaced persons, preserve the territorial integrity of the Syrian Arab Republic and combat terrorism. It even gave its aggression the name ‘Operation Peace Spring’ and called the area it seeks to occupy a ‘safe zone’, in an illustration of the schizophrenia of the Turkish regime, [...]. Perhaps the Council ought to hold a meeting with representatives of the Office of Legal Affairs in our Organization to clarify this important article of the Charter [Art. 51 UN-Charter], debunk the myths and misconceptions surrounding it and distinguish between legitimate self-defence, on the one hand, and war, invasion and aggression on the other, all of which are condemned by the Charter. My Government condemns the Turkish aggression in the strongest terms and categorically rejects the Turkish regime’s attempts to justify its actions on pretexts of self-defence or counter-terrorism. This regime has violated the Adana security agreement concluded between both our countries in 1998.” (Security Council, Provisional Meeting Records, S/PV.8645, 24 October 2019, p. 23)</p> <p>“[O]n 3 and 4 May 2017, the Astana guarantors agreed [...] on establishing de-escalation zones in my country for six months as a temporary measure. [...] On 17 September 2018, the Sochi agreement provided for the establishment of a demilitarized zone in Idlib province and parts of rural Aleppo and Hama, while the Turkish regime committed itself to withdrawing armed groups and terrorist organizations from that region [...] to disarming them by 15 October 2018 and to ensuring normal traffic on the M4 and M5 highways by the end of 2018. My Government welcomed that time-bound and temporary initiative. [...] Although we, our friends and other countries demanded that the Turkish regime honour the commitments to which I have just referred within the timeframe set in the Astana and Sochi agreements, the Erdoğan regime, which does not abide by international legitimacy, reneged on them. Along with its terrorist organizations, Erdoğan regime exploited the de-escalation agreements in order to bolster their presence and capabilities [...]. Two years after the Astana agreement and a year and a half after the Sochi agreement, the Turkish regime maintained observation posts on Syrian territory with the ostensible purpose of monitoring terrorist activities, preventing continued terrorist crimes and repelling attacks on the positions of the Syrian Arab Republic and the Russian forces. However, the Turkish regime turned those posts into operating rooms for supporting terrorist organizations. Proof of that is the fact that Turkish soldiers were killed far from those observation posts, as they were supporting terrorists. In her briefing today, the Under-Secretary-General confirmed what I have noted by saying that Turkish forces played a supporting role in terrorist operations against Syrian forces in Saraqib. [...] My country condemns in the strongest terms the practices of the Turkish regime and its aggression against Syria in support of terrorism, entertaining the illusion of reviving the bygone Ottoman sultanate. We categorically reject the claims of the Turkish regime that its aggression against my country is a form of selfdefence, a way of implementing the Adana agreement concluded between our two countries in 1998 or any other illusionary pretexts. [...] It is the Erdoğan regime that violated the Adana agreement, as well as its commitments under the Astana and Sochi agreements. It has disregarded good-neighbourliness and Security Council resolutions on counter-terrorism.</p>
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		<p>[...] [President Erdogan] has transformed the Turkish army from a secular force into an arm of the Muslim brotherhood, fighting with terrorist takfiri groups in Syria and Libya, in violation of international law, the Charter, Security Council resolutions and the Sochi agreement. [...] We are determined to use all legitimate tools to address the Turkish aggression in support of terrorism. [...] In conclusion, I ask the States that called for convening today’s meeting to answer the following questions. Does the presence of the Turkish forces on the territory of my country constitute a military aggression and a form of occupation or not? The Turkish regime seeks to impose Turkish practices and raise the Turkish flag on the Syrian areas that it occupies. It seeks to change the names of our streets to Turkish names, impose Turkish curricula in our schools and loot our wealth, resources and monuments. Is all that in accordance with international law or not?” (Security Council, Provisional Meeting Records, S/PV.8738, 28 February 2020, p. 13)</p> <p>„[C]ertain Member States [want] to transform the Security Council into a NATO platform for supporting the Turkish aggression and for levelling threats against my country, in violation of the provisions of the Charter. [...] My country’s delegation calls on the States that have leverage over the Turkish regime and the terrorist groups affiliated with it to compel them to allow our citizens to return to their homes, as well as the 1 million Syrians whom the Turkish aggression had displaced. [...] My country reiterates its categorical rejection of any Turkish or other foreign illegal presence — United States, British and French — on Syrian territory. We call on the Turkish regime to curb its aggression and unbridled support of terrorism in Syria, Libya, the Horn of Africa and other regions.“ (Security Council, Provisional Meeting Records, S/PV.8734, 27 February 2020, p. 23)</p> <p>“The Syrian Arab Republic condemns in the strongest terms the reckless statements and the hostile intentions of the Turkish regime and the military buildup on the Syrian border, which constitutes a flagrant violation of international law and a blatant violation of Security Council resolutions, in all of which the Council affirms that the unity, integrity and sovereignty of Syria must be respected. The hostile conduct of the Erdoğan regime reveals clearly the expansionist ambitions of Turkey in the territory the Syrian Arab Republic, which is something that cannot be justified under any pretext. The Turkish regime’s purported aim of securing the border is contradicted by the regime’s denial of and disregard for the Adana agreement. The Erdoğan Government would be able to achieve that aim were it only to respect and comply with that agreement.” (S/2019/806, Letter of 10 October 2019 from Syria to the SG and the President of the Security Council)</p> <p>EU: “The Kurdish population of north-eastern Syria, which fought bravely against the terrorists of the so-called Islamic State, is now under attack by a NATO country. [...] We emphatically and unreservedly condemn Turkey’s military action in north-eastern Syria. This constitutes a grave violation of international law, undermines the stability and security of the region as a whole, bringing further suffering to people already affected by war, as well as obstructing access to humanitarian assistance. [...] The EU’s decision to impose sanctions on Turkey for an unacceptable action such as offshore drilling in waters near Cyprus is positive, but it is difficult to understand why the military aggression in north-eastern Syria did not prompt a similar response. We must do everything in our power to stop this act of aggression and launch an initiative that can be thrashed out within NATO and submitted to the UN Security Council. [...] We consider it unacceptable and firmly reject any attempt by the Turkish authorities to establish a link between its military action in north-eastern Syria and the fate of Syrian refugees on Turkish territory. [...]</p>
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		<p>Human beings in need must never be used as a bargaining chip to justify violations of international law.” (European Parliament President David Sassoli’s speech to the European Council, 17.10.2019, [https://www.europarl.europa.eu/news/en/press-room/20191017IPR64557/european-parliament-president-david-sassoli-s-speech-to-the-european-council] (accessed on 23 October 2022))</p> <p>“[A] whereas following the decision by US President Donald Trump to withdraw US troops from the northeast of Syria, on 9 October 2019 Turkey launched a military invasion (Operation Peace Spring), in breach of international law, into areas of Syria controlled by the Syrian Democratic Forces (SDF); [...] [E] whereas this unilateral Turkish military operation has no legal basis and is only aggravating the eight-year-long conflict in Syria; [§ 1] Strongly condemns the unilateral Turkish military intervention in northeast Syria, which constitutes a grave violation of international law, [...]. [§ 2] Urges Turkey to put an immediate and definitive end to its military operation in northeast Syria and withdraw all of its forces from Syrian territory [...] [§ 5] Takes note of the US-Turkish agreement of 17 October 2019 on a temporary ceasefire; expresses its concern, however, that its provisions legitimise the Turkish occupation of the ‘safe zone’ in northeast Syria; [§ 20] Recognises the fact that Turkey has legitimate security concerns, but insists that they be addressed by political and diplomatic means, and not military action, in accordance with international law, including humanitarian law;” (European Parliament resolution of 24.10.2019 on the Turkish military operation in northeast Syria and its consequences (2019/2886(RSP), https://www.europarl.europa.eu/doceo/document/TA-9-2019-0049_EN.html] (accessed on 23 October 2022))</p> <p>NATO: “NATO Secretary General Jens Stoltenberg said Turkey has said its military operation in northeastern Syria will be restrained, adding that it was important not to destabilize the region any further. Stoltenberg told reporters that Turkey had ‘legitimate security concerns’ and had informed NATO about its attack earlier in the day against Kurdish fighters in Syria. ‘I am ensured that any action it may take in northern Syria is proportionate and measured,’ he said [...]” (International community condemns Turkish offensive in Syria, Alarabiya News, 9.10.2019, https://english.alarabiya.net/News/middle-east/2019/10/09/France-Britain-Germany-to-condemn-Turkish-offensive-in-Syria-call-UN-meeting] (accessed on 23 October 2022))</p> <p>Arab League: “[§ 4] To condemn the Turkish aggression against Syrian territory, because it is a clear breach of the principles of the Charter of the United Nations and Security Council resolutions, and because it is a direct threat to Arab national security and to international peace and security; and to call upon Turkey to end its aggression and withdraw immediately and unconditionally its forces from all Syrian territory, in order to support the ongoing efforts to reach political solutions to the Syrian crisis.” (A/75/594–S/2020/1058, Letter of 29 October 2020 from Egypt to the SG and the President of the SC, p. 9 [on behalf of the Arab League])</p> <p>United Arab Emirates: “The UAE Ministry of Foreign Affairs and International Cooperation said that “this aggression represents a dangerous development and a flagrant and unacceptable aggression against the sovereignty of a brotherly Arab state in</p>
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76. Afghanistan et al. vs. ISIS-K 2015-2019

Key data

Duration: 01.2015 – 2019; Parties: Afghanistan, Pakistan, United States vs. Islamic State of Iraq and the Levant - Khorasan; Initiator: Islamic State.

Islamic State of Iraq and the Levant – Khorasan (ISIS-K)

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### The Islamic State was initially linked to Al-Qaeda and aims to establish a political, legal and judicial system based on a radical interpretation and application of the sharia. This goal cannot be classified as a legal claim. Thus, the Islamic State does not raise any justificatory or legitimacy claims ###</p> <p>"The so-called 'Islamic State' is a terrorist group that proclaimed itself as a 'world caliphate' on 29 June 2014. Initially linked to 'Al-Qaeda in the Arabic Peninsula' (AQAP), the Islamic State (IS) was previously known as the 'Islamic State of Iraq' (ISI, from 2006 to 2013), and later the 'Islamic State of Iraq and the Levant' or the 'Islamic State of Iraq and Syria' (ISIL or ISIS, from 2013). The acronyms IS,</p>

						<p>ISIL, ISIS, or 'Da'esh' (derived from Arabic) are used interchangeably, albeit UN official documents generally refer to 'ISIL'.</p> <p>It is generally considered that ISIL was created by armed opponents to the Iraqi Government installed in the aftermath of the 2003 US-led intervention in Iraq. Originally, its members essentially opposed the Baghdad authorities, which were accused of providing Iraq's Shia majority with disproportionate benefits and of oppressing the Sunni minority with the support of foreign powers. However, ISIL quickly expressed broader ambitions; from 2013 onwards, it claimed exclusive political and theological authority over the world's Muslims and succeeded in attracting many fighters from foreign countries, mainly from the Arab World, western Europa, Russia (particularly Chechnya), and North Africa. Some sources also suggest that ISIL has been supported by – or from – other states like Saudi Arabia or Turkey, either financially or even through the provision of arms. (...) This self-proclaimed 'Islamic State' thus managed to control a vast amount of territory, in which it installed a de facto government, and elaborated a domestic political, legal, and judicial system based on a particularly radical interpretation and application of the <i>sharia</i>." (Ruys, Corton, "The Use of Force", p. 873f. by Olivier Corten)</p> <p>"63. The ISIL core's leadership in the Syrian Arab Republic views Afghan territory as a base for the spread of their influence to Central and South Asia as part of the realization of its 'great caliphate' project." (S/2021/486, 01.06.2021, Twelfth report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 2557 (2020) concerning the Taliban and other associated individuals and entities constituting a threat to the peace stability and security of Afghanistan)</p> <p>"12. In June 2014, ISIL expanded its goals further when its leader, Al-Baghdadi, declared himself a "caliph" and renamed the group "Islamic State". ISIL now claims authority over the entire Muslim world, a conceit that has stimulated a rallying response from a number of other groups and individuals associated with the Al-Qaida movement outside the Middle East. This response from within the Al-Qaida movement is further evidence of the underlying roots of ISIL in Al-Qaida ideology.</p> <p>17. ISIL pretends to be a state, and therefore announces a range of appointments and structures designed to reinforce this misleading message. It has mimicked a civil administration by appointing judicial, internal security and communications officers. A so-called "ministry" is reportedly in charge of hosting, arming, training and ensuring the welfare of foreign terrorist fighters, under the direction of Abdullah Ahmed al-Meshedani (not listed). A "hisba" force — a morality police — runs patrols for ISIL to ensure that its radical ideology is strictly observed."</p> <p>(S/2014/815, The Islamic State in Iraq and the Levant and the Al-Nusrah Front for the People of the Levant: report and recommendations submitted pursuant to resolution 2170 (2014))</p>
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Letter sent in accordance with Art. 51 UNCh	0 – not applicable
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	2 disapproves	<p>### The UNSC disapproved the Islamic State in general, especially with regard to its activities in Syria, in several resolutions. These resolutions are not part of this conflict though. There are no resolutions by the UN Security Council regarding the IS affiliate "Islamic State in Iraq and the Levant–Khorasan" in specific.</p> <p>However, ISIS-K was listed as of 14.05.2019 by the ISIL (Da'esh) and Al-Qaida Sanctions Committee on the ISIL (Da'esh) and Al-Qaida Sanctions list pursuant to paragraphs 2 and 4 of resolution 2368 (2017) as being associated with ISIL or Al-Qaida for "participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of", "supplying, selling or transferring arms and related materiel", "recruiting for", "otherwise supporting acts or activities," is "either owned or controlled, directly or indirectly, by, or otherwise supporting" and engages in "other acts or activities indicating association with Al-Qaida, ISIL, or any cell, affiliate, splinter group or derivative thereof". ###</p>

		<p>» Name: ISLAMIC STATE IN IRAQ AND THE LEVANT - KHORASAN (ISIL- K); A.k.a.: a) ISIL KHORASAN b) ISLAMIC STATE'S KHORASAN PROVINCE c) ISIS WILAYAT KHORASAN d) ISIL'S SOUTH ASIA BRANCH e) SOUTH ASIAN CHAPTER OF ISIL Listed on: 14 May 2019 Other information: Islamic State of Iraq and the Levant - Khorasan (ISIL - K) was formed on January 10, 2015 by a former Tehrik-e Taliban Pakistan (TTP) (QDe.132) commander and was established by former Taliban faction commanders who swore an oath of allegiance to the Islamic State of Iraq and the Levant (listed as Al-Qaida in Iraq (QDe.115)). ISIL – K has claimed responsibility for numerous attacks in both Afghanistan and Pakistan. « (UN Security Council ISIL (Da'esh) and Al-Qaida Sanctions Committee- Sanctions List, p. 177, https://scsanctions.un.org/5b7vken-all.html)</p> <p><i>### The UNSC Analytical Support and Sanctions Monitoring Team categorized ISIL-K to be dangerous and to pose a threat. ###</i></p> <p>» The threat emanating from Al-Qaida (QDe.004), Islamic State in Iraq and the Levant (ISIL)a and their associated individuals and entities is serious and diversifying. During the reporting period, ISIL experienced military setbacks in Afghanistan and Libya. « (S/2016/629, Eighteenth report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals and entities)</p> <p>» The Islamic State in Iraq and the Levant-Khorasan (ISIL-K) (QDe.161) remains diminished from its zenith, following successive military setbacks that began in Jowzjan in summer 2018. However, since June 2020, it has had an ambitious new leader, Shahab al-Muhajir (not listed), and it remains active and dangerous, particularly if it is able, by positioning itself as the sole pure rejectionist group in Afghanistan, to recruit disaffected Taliban and other militants to swell its ranks. « (S/2021/486, Twelfth report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 2557 (2020) concerning the Taliban and other associated individuals and entities constituting a threat to the peace stability and security of Afghanistan, 01.06.2021)</p>
7. UNGA Reaction	2 disapproves	<p><i>### The UNGA disapproved actions taken by ISIS-K in several resolutions. ###</i></p> <p>UNGA Res 70/77, 9 December 2015 (adopted without vote): 6. Expresses serious concern regarding the increasing presence of Islamic State in Iraq and the Levant (ISIL) (Da'esh) affiliates in Afghanistan, as referenced in the report of the Secretary General,⁶ and in this regard affirms its support for the efforts of the Government of Afghanistan to combat these threats in the country</p> <p>UNGA Res 71/9, 27 November 2016 (adopted without vote): 7. Expresses its serious concern regarding the presence of terrorist organizations, in particular Islamic State in Iraq and the Levant (ISIL) (Da'esh), and its brutal acts, including killings of Afghan nationals, and in this regard affirms its support for the efforts of the Government of Afghanistan to combat these threats in the country;</p> <p>UNGA Res 72/10, 21 November 2017 (adopted without vote):</p>

	<p><i>Reiterating the urgent need to tackle the challenges facing Afghanistan, in particular the region-based violent extremist activities of the Taliban, including the Haqqani Network, as well as Al-Qaida, Islamic State in Iraq and the Levant (ISIL) (Da'esh) affiliates and other terrorist groups, violent and extremist groups and criminals (...)</i></p> <p>8. <i>Expresses its serious concern regarding the presence of terrorist organizations, in particular Islamic State in Iraq and the Levant (ISIL) (Da'esh) affiliates, and its brutal acts, including killings of Afghan nationals, commends the progress of the Government of Afghanistan in combatting these threats in the country, and affirms its support for continued efforts in this regard;</i></p> <p>UNGA Res 73/88, 6 December 2018 (Yes: 124 No: Abstentions: 3 Non-Voting: 66 Total voting membership: 193):</p> <p>10. <i>Expresses its serious concern regarding the presence of terrorist organizations, in particular Islamic State in Iraq and the Levant (ISIL) (Da'esh) affiliates and its brutal acts, including killings of Afghan nationals</i></p> <p>UNGA Res 74/9, 27 November 2019 (Yes: 137 No: Abstentions: 2 Non-Voting: 54 Total voting membership: 193):</p> <p>10. <i>Reiterates once again its serious concern about the security situation in Afghanistan, stresses the need to continue to address the threat to the security and stability of Afghanistan caused by the region-based violent extremist and other illegal armed groups and criminals, including (...) in particular ISIL-Khorasan Province (...)</i></p> <p>11. <i>Expresses its serious concern regarding the presence of terrorist organizations, such as Islamic State in Iraq and the Levant (ISIL) (Da'esh) and its affiliates, in particular ISIL-Khorasan Province, and other terrorist groups, and foreign terrorist fighters, and the increased number of cowardly and heinous terrorist attacks for which they have claimed responsibility, including killings of Afghan nationals, (...) and their deplorable attempts to undermine relations between communities, posing a serious threat to the security of Afghanistan and the countries of the region, commends the progress of the Government of Afghanistan in combating these threats in the country, calls for enhanced regional cooperation in the fight against these groups, and affirms its support for continued efforts in this regard;</i></p> <p>UNGA Res 75/90, 10 December 2020 (Yes: 130 No: 1 Abstentions: 3 Non-Voting: 59 Total voting membership: 193):</p> <p><i>Reiterating its serious concern about the security situation in Afghanistan and the urgent need to tackle the challenges facing the country, in particular the region- based violence, attacks and all forms of terrorist and criminal activities and all violent and unlawful attacks and killings of (...) and the Levant (ISIL) (Da'esh) and their affiliates, in particular ISIL-Khorasan Province</i></p> <p>6. <i>Reiterates once again its serious concern about the continuing high level of violence and the security situation in Afghanistan, stresses the need to continue to address the threat to the security and stability of Afghanistan caused by the violence committed by (...)Islamic State in Iraq and the Levant (ISIL) (Da'esh) and their affiliates, in particular ISIL-Khorasan Province</i></p> <p><i>### Russia voted against Resolution A/RES/75/90, and explained this by referring to an unconstructive position of the penholder: ###</i></p> <p><i>"It would appear that our vote against the resolution came about as a result of difficulties in understanding each other's position. In our response, after the voting, we clearly stated that Russia will continue to fully support Afghanistan and the peace process in</i></p>
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		the country. We explained that our vote is due to the unconstructive position of the penholder on the resolution on Afghanistan this year." (Statement by Russia, A/75/PV.40, 10 December 2020, p.17)
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p>### States condemn actions taken by ISIS-K. Some States even categorize ISIS-K to be a terrorist organization. ###</p> <p>United States: "The State Department on Thursday designated the Afghan affiliate of the Islamic State, a splinter group mostly made up of former Afghan and Pakistani Taliban members, as a foreign terrorist organization." ("US Lists Afghan Branch of ISIS as Terrorist Group", The New York Times, 14.01.2016, https://www.nytimes.com/2016/01/15/world/asia/us-lists-afghan-branch-of-isis-as-terrorist-group.html (accessed on 20 November 2022))</p> <p>Russia: "(...) the objective reality of the growing threat that the Islamic State in Iraq and the Levant (ISIL) poses to security not just in Afghanistan but its neighbours, including States in Central Asia, despite the fact that the presence of ISIL's fighters is a harsh reality that must not be downplayed or merely ignored." (A/73/PV.46, 06 December 2018)</p> <p>"L'influence grandissante de ce qu'on appelle l'État islamique est particulièrement inquiétante, notamment ses tentatives pour absorber d'autres groupes d'opposition armés dans la région nord du pays et d'autres régions. (...) L'emploi très répandu de l'expression « extrémisme violent » ne correspond pas à la réalité de la situation en Afghanistan ni aux actes commis par les Taliban, Al-Qaïda et l'État islamique. Seul le terme terrorisme qualifie de façon appropriée leurs actes odieux." (A/71/PV.47, 17 December 2016) (Statement is not available in English; translation: <i>Of particular concern is the growing influence of the so-called Islamic State, including its attempts to absorb other armed opposition groups in the northern region of the country and other areas. (...) The widespread use of the term "violent extremism" does not reflect the reality of the situation in Afghanistan or the actions of the Taliban, Al-Qaeda and the Islamic State. Only the term terrorism adequately describes their heinous acts.</i>)</p> <p>Indonesia: "The Islamic State in Iraq and the Levant also remains a serious threat. No effort must be spared to eradicate terrorist groups. Various reports of the Secretary-General mention parties whose actions have caused civilian casualties. Indonesia implores all parties to not violate international human rights law or international humanitarian law." (Statement by Indonesia, A/74/PV.36, 27 November 2019)</p> <p>» We also deplore the continued presence of the Islamic State in Iraq and the Levant and Al-Qaida and other terrorist groups, which harms the country [Afghanistan] and the region. « (A/75/PV.40, 10 December 2020)</p> <p>Armenia, Belarus, Kazakhstan, Kyrgyz Republic, Republic of Tajikistan, Russian Federation:</p>

	<p>"I have the honour to speak today on behalf of the member States of the Collective Security Treaty Organization (CSTO) — the Republic of Belarus, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, the Russian Federation and the Republic of Armenia. The member States of the CSTO express their concern about the continued worsening of the situation in Afghanistan, in particular in its northern regions, with regard to the growing activities of groups affiliated with the Islamic State in Iraq and the Levant in that country." (Statement by Armenia, A/70/PV.65, 30 November 2015)</p> <p>India:</p> <p>"The latest report of the Secretary-General (A/70/359) substantiates our view that terrorism — not insurgency and not tribal differences or ethnic rivalries — is the main source of insecurity and instability in Afghanistan. What is alarming is the revelation in recent reports, including the Secretary-General's report, with regard to linkages between intra-terrorist violence between the Islamic State in Iraq and the Levant (ISIL) and its affiliates with the Taliban. Also disturbing is the statement in paragraph 19 of the Secretary-General's latest report that the majority of alleged ISIL-affiliated fighters appear to be drawn from disaffected former members of the Afghan Taliban, Tehrik-e-Taliban Pakistan or groups previously associated with Al-Qaida. The recent attacks in Beirut, Syria and Paris all point towards rising extremism and the extension of the arc of terrorism. From here in the Assembly, we urge the Security Council to act against this threat to international peace and security with a sense of urgency and within a defined time frame." (Statement by India, A/70/PV.65, 30 November 2015)</p> <p>"Aujourd'hui, il faut lutter contre la menace terroriste provenant de l'État islamique d'Iraq et du Cham (EIL), d'Al-Qaida et de groupes terroristes, tels que le Tehrik-i-Taliban Pakistan, qui sont associés à ces réseaux terroristes mondiaux. Tel est le défi qu'il nous faut relever." (A/71/PV.47, 17 December 2016) <i>(Statement is not available in English)</i></p> <p>Spain:</p> <p>"Affiliates of the Islamic State in Iraq and the Levant in Afghanistan are also causing increasing concern." (Statement by Spain, A/70/PV.65, 30 November 2015)</p> <p>Kazakhstan:</p> <p>"The threats posed by the Taliban and the Islamic State in Iraq and the Levant compel us all to be proactive in supporting the Afghan National Defence and Security Forces and the Afghan Government. We therefore co-sponsored the new draft resolution on improvised explosive devices, initiated by Afghanistan, because we believe that multilateral action can be strengthened only through the implementation of all the relevant Security Council and General Assembly resolutions and the recommendations of major conferences on Afghanistan." (Statement by Kazakhstan, A/70/PV.65, 30 November 2015)</p> <p>Egypt:</p> <p>"La communauté internationale est bien consciente de la menace croissante qui plane sur l'Afghanistan du fait de la présence dans ce pays de l'État islamique d'Iraq et du Levant (Daech), un groupe terroriste qui a étendu ses tentacules dans la partie est du pays."</p>
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	<p>(A/71/PV.47, GA 71st session, 47th plenary meeting, 17 December 2016) (<i>Statement is not available in English</i>)</p> <p>"(...) the international community has acknowledged the threat posed by the growing presence of the Islamic State in Iraq and the Levant, or Da'esh, in Afghanistan, which has strengthened and expanded its presence in the country." (A/72/PV.56, 20 November 2018)</p> <p>Taliban: <i>## According to the United States, the Taliban are fighting ISIS-K. Therefore, they disapprove actions taken by ISIS-K.</i></p> <p>"In public statements, as well as in a letter addressed to the Islamic State's self-declared caliph, Abu-Bakr al-Baghdadi, the Taliban have warned the Islamic State to stay out of Afghanistan." ("US Steps Up Airstrikes in Afghanistan, Even Targeting ISIS", The New York Times, 15.07.2015, https://www.nytimes.com/2015/07/16/world/asia/afghanistan-us-steps-airstrikes-isis.html (accessed on 20 November 2022))</p> <p>"The rise in Afghanistan of the Islamic State in Khorasan, an affiliate of the Islamic State in Iraq and Syria, may be worrying Taliban leaders who see it as a potential rival." ("What an Afghanistan Victory Looks Like Under the Trump Plan", The New York Times, 22.09.2017, https://www.nytimes.com/2017/08/22/world/asia/afghan-victory-trump-plan.html (accessed on 20 November 2022))</p> <p>"The United States regrets that progress is not fully reflected in the draft resolution, which fails to recognize the distinction between the activities of the Taliban and those of international terrorist groups, including the Islamic State in Iraq and the Shams (ISIS) and Al-Qaida. The Taliban has fought ISIS-Khorasan Province and taken other steps on its counter-terrorism commitments. The United States has raised those concerns with the penholder, Germany." (A/75/PV.40, 10 December 2020)</p> <p>Al Qaeda: "The presence of ISIL in Afghanistan and its ambition of establishing a 'wilayat Khorasan' in South and Central Asia pose a challenge to Al-Qaida in relation to its global leadership ambitions and local support." (S/2016/629, Eighteenth report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals and entities)</p>
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700 Afghanistan

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Law invoked?	2 No
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	<p>### Afghanistan argues that ISIS-K poses a threat to Afghanistan. However, Afghanistan makes no reference to public international law. As Afghanistan acted only within its own country, its actions do not have any points of contact with international law or cannot be classified as potentially contrary to international law. Therefore, there is no need for a justification on the international level. ###</p> <p>» He [Ashraf Ghani, President of Afghanistan] spoke of the threat posed by Islamist militants, and, seemingly well aware of his audience’s current fears, he raised the prospect of the Islamic State making inroads into Afghanistan. « (“Ghani Addresses Congress, Eager to Rebuild Afghan-U.S. Ties”, The New York Times, 25.03.2015, https://www.nytimes.com/2015/03/26/world/asia/ghani-addresses-congress-eager-to-rebuild-afghan-us-ties.html (accessed on 20 November 2022))</p> <p>» This year has been the bloodiest in Afghanistan since 2001, with a sharp increase in civilian and military casualties. We have come under a high level of attacks from foreign-based Taliban, including the Haqqani Network, Al-Qaida, the Islamic State in Iraq and the Sham, better known as Daesh (...).« (Statement by Afghanistan, A/70/PV.65, 30 November 2015)</p>

		<p>18. In recent months, as a result of pressure from Afghan and international forces, in addition to the Taliban, the number of ISIL supporters in Afghanistan fell to fewer than 3,500, including some 1,500 fighters. (S/2016/629, Eighteenth report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals and entities, retrieved at http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_629.pdf)</p> <p>» Among the persistent challenges that continue to threaten the peace and security of Afghanistan are terrorism and the presence of regional and transnational terrorist groups, including the Taliban, as well as the Islamic State in Iraq and the Levant (ISIL) and Al-Qaida affiliates. Recently, the Government of Afghanistan carried out an intensive and successful operation in Nangarhar to eliminate ISIL strongholds. The past 18 years of conflict imposed by terrorist groups and the Taliban have not resulted only in the loss of innocent lives and instability in my country, but have also deeply impacted our joint efforts for achieving social and economic development. « (Statement by Afghanistan, A/74/PV.36, 27 November 2019)</p> <p>» Last but not least, the draft resolution also highlights security threats and conveys a deep concern about the threat posed to Afghanistan by terrorism in the region on the part of Al-Qaida, the Islamic State in Iraq and the Levant (ISIL) and other international terrorist organizations and their affiliates. While we focus on achieving peace, the Government of Afghanistan has not lowered its guard or diminished its efforts to fend off attacks by the Taliban or other terrorist groups. The serious threats and heinous acts of terror by ISIL, Al-Qaida and other terrorist group continue to take the lives of innocent people in Afghanistan. « (A/75/PV.40, 10 December 2020)</p>
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	### The UNSC did not react to Afghanistan's actions in specific, but reacted to ISIS-K. For reaction regarding the overall conflict see: Elaboration for ISIS-K. ###
7. UNGA Reaction	1 approves	<p>UNGA Res 70/77, 9 December 2015 (adopted without vote):</p> <p>6. Expresses serious concern regarding the increasing presence of Islamic State in Iraq and the Levant (ISIL) (Da'esh) affiliates in Afghanistan, as referenced in the report of the Secretary General,⁶ and in this regard affirms its support for the efforts of the Government of Afghanistan to combat these threats in the country</p> <p>UNGA Res 71/9, 27 November 2016 (adopted without vote):</p>

	<p>7. <i>Expresses its serious concern</i> regarding the presence of terrorist organizations, in particular Islamic State in Iraq and the Levant (ISIL) (Da'esh), and its brutal acts, including killings of Afghan nationals, and in this regard affirms its support for the efforts of the Government of Afghanistan to combat these threats in the country;</p> <p>UNGA Res 72/10, 21 November 2017 (adopted without vote): <i>Reiterating the urgent need to tackle the challenges facing Afghanistan, in particular the region-based violent extremist activities</i> of the Taliban, including the Haqqani Network, as well as Al-Qaida, Islamic State in Iraq and the Levant (ISIL) (Da'esh) affiliates and other terrorist groups, violent and extremist groups and criminals (...)</p> <p>8. <i>Expresses its serious concern</i> regarding the presence of terrorist organizations, in particular Islamic State in Iraq and the Levant (ISIL) (Da'esh) affiliates, and its brutal acts, including killings of Afghan nationals, commends the progress of the Government of Afghanistan in combatting these threats in the country, and affirms its support for continued efforts in this regard;</p> <p>UNGA Res 73/88, 6 December 2018 (Yes: 124 No: Abstentions: 3 Non-Voting: 66 Total voting membership: 193): 10. <i>Expresses its serious concern</i> regarding the presence of terrorist organizations, in particular Islamic State in Iraq and the Levant (ISIL) (Da'esh) affiliates and its brutal acts, including killings of Afghan nationals</p> <p>UNGA Res 74/9, 27 November 2019 (Yes: 137 No: Abstentions: 2 Non-Voting: 54 Total voting membership: 193): 10. <i>Reiterates once again its serious concern</i> about the security situation in Afghanistan, stresses the need to continue to address the threat to the security and stability of Afghanistan caused by the region-based violent extremist and other illegal armed groups and criminals, including (...) in particular ISIL-Khorasan Province (...)</p> <p>11. <i>Expresses its serious concern</i> regarding the presence of terrorist organizations, such as Islamic State in Iraq and the Levant (ISIL) (Da'esh) and its affiliates, in particular ISIL-Khorasan Province, and other terrorist groups, and foreign terrorist fighters, and the increased number of cowardly and heinous terrorist attacks for which they have claimed responsibility, including killings of Afghan nationals, (...) and their deplorable attempts to undermine relations between communities, posing a serious threat to the security of Afghanistan and the countries of the region, commends the progress of the Government of Afghanistan in combating these threats in the country, calls for enhanced regional cooperation in the fight against these groups, and affirms its support for continued efforts in this regard;</p> <p>UNGA Res 75/90, 10 December 2020 (Yes: 130 No: 1 Abstentions: 3 Non-Voting: 59 Total voting membership: 193): <i>Reiterating its serious concern</i> about the security situation in Afghanistan and the urgent need to tackle the challenges facing the country, in particular the region- based violence, attacks and all forms of terrorist and criminal activities and all violent and unlawful attacks and killings of (...) and the Levant (ISIL) (Da'esh) and their affiliates, in particular ISIL-Khorasan Province</p>
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		6. <i>Reiterates once again</i> its serious concern about the continuing high level of violence and the security situation in Afghanistan, stresses the need to continue to address the threat to the security and stability of Afghanistan caused by the violence committed by (...)Islamic State in Iraq and the Levant (ISIL) (Da'esh) and their affiliates, in particular ISIL-Khorasan Province
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<p>### <i>States approve Afghanistan's actions. For further information see: Elaboration for ISIS-K. ###</i></p> <p>United States: "The United States, he [Donald Trump] added, will continue to support the Afghan government and its military. 'Ultimately, it is up to the people of Afghanistan to take ownership of their future, to govern their society and to achieve an everlasting peace,' Trump said. "We are a partner and a friend, but we will not dictate to the Afghan people how to live or how to govern their own complex society. We are not nation building again. We are killing terrorists." (United States, Department of Defence „President Unveils New Afghanistan, South Asia Strategy“, 21.08.2017, by Jim Garamone)</p>

2 United States

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	2 Source of law	Contestation about					Material
		3 facts	4 interpretation	5. exceptional circumstances	6 abstr. gen. level	7 validity	
3 invitation	4 no spec.	2 No	2 No	2 No	2 No	2 No	<p>### <i>In conflict #418 (conflict of Afghanistan against Al Qaeda and the Taliban), the U.S. brings forward the justification of invitation. An invitation was issued on part of the Afghan government and is related to the fight against terrorism in Afghanistan. It can therefore also be seen as an ongoing invitation for the U.S. mission against IS in Afghanistan as part of the fight against terrorism. Furthermore, on 29.02.2020 the US and Afghanistan signed a Joint Declaration. The U.S. and Afghanistan have reaffirmed their commitment to fight terrorism together. They emphasize that this joint fight has been going on since 2001. While the declaration lies outside the relevant period of this conflict, it highlights the justification by invitation. ###</i></p>

						<p><i>Request by Afghanistan in conflict # 418:</i></p> <p>» Our [statement by the Heads of State and Government by the Nations contributing to the UN-mandated NATO-led ISAF in Afghanistan] presence in Afghanistan is at the request of the Government of Afghanistan and mandated by the United Nations. Neither we nor our Afghan partners will allow extremists and terrorists such as the Taliban or al-Qaeda, to regain control of Afghanistan or use it as a base for terror that threatens all of our people and has been felt in many of our countries and beyond. « ("NATO - Official text/ ISAF's Strategic Vision - Declaration by the Heads of State and Government of the Nations contributing to the UN-mandated NATO-led International Security Assistance Force (ISAF) in Afghanistan ", 03 April 2008, https://www.nato.int/cps/en/natohq/official_texts_8444.htm?selectedLocale=en (accessed on 20 November 2022))</p> <p>» On 26 September 2002, the United States and the new Transitional Authority entered into a 'status of forces agreement' covering any US troops not part of ISAF. The agreement provided these forces with immunity from Afghanistan's criminal and civil jurisdiction with regard to any acts committed as part of their official duties. « ('Agreement regarding the status of United States military and civilian personnel of the US Department of Defence present in Afghanistan in connection with cooperative efforts in response to terrorism, humanitarian and civic assistance, military training and exercises, and other activities' (exchange of notes 26 September 2002, amended 12 December 2002 and 28 May 2003, entered into force 28 May 2003). Referenced in <i>Treaties in Force 2010: A List of Treaties and Other International Agreements of the United States in Force on January 1, 2010</i> (Washington: State Department 2010))</p> <p><i>### The United States and Afghanistan entered into a new 'bilateral security agreement' that continued the immunities provided under the status of forces agreement. ('Security and Defence Cooperation Agreement between the Islamic Republic of Afghanistan and the United States of America' (30 September 2014), https://www.afghanistan-analysts.org/wp-content/uploads/2014/10/BSA-ENGLISH-AFG.pdf, accessed on 10 October 2022) ###</i></p> <p><i>Joint Declaration, 29.02.2020</i></p> <p>» The Islamic Republic of Afghanistan (...) and the United States of America are committed to working together to reach a comprehensive and sustainable peace agreement that ends the war in Afghanistan for the benefit of all Afghans and contributes to regional stability and global security. (...)</p>
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						<p>The Islamic Republic of Afghanistan and the United States have partnered closely since 2001 to respond to threats to international peace and security and help the Afghan people chart a secure, democratic and prosperous future. (...)</p> <p>The Islamic Republic of Afghanistan and the United States recognize that al-Qa’ida, ISIS-K and other international terrorist groups or individuals continue to use Afghan soil to recruit members, raise funds, train adherents and plan and attempt to conduct attacks that threaten the security of the United States, its allies, and Afghanistan. To address this continuing terrorist threat, the Islamic Republic of Afghanistan and the United States will continue to take the following steps to defeat al-Qa’ida, its affiliates, and other international terrorist groups or individuals: « (29.02.2020, "Joint Declaration between the Islamic Republic of Afghanistan and the United States of America for Bringing Peace to Afghanistan", https://www.state.gov/wp-content/uploads/2020/02/02.29.20-US-Afghanistan-Joint-Declaration.pdf)</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	4 defence against terrorism	<p><i>### The United States invoke the legitimacy claim of defense against terrorism as it aims to prevent Afghanistan from becoming a safe haven and to prevent attacks by ISIS-K against the United States as well as against Afghanistan. ###</i></p> <p>"U.S. Forces – Afghanistan (USFOR-A) currently (...) conducts two well-defined and complementary missions: supporting counterterrorism operations against the remnants of al Qaeda, its associates, and other terrorist groups, including the Islamic State of Iraq and Syria (ISIS) affiliate in the Afghanistan and Pakistan region, ISIS-Khorasan (ISIS-K) (...).</p>

	<p>The U.S. strategy in Afghanistan remains (...) to defeat other violent extremist organizations and terrorist groups, such as ISIS-K, to ensure that Afghanistan does not again become a safe-haven for groups to plan and execute attacks against the United States, U.S. persons overseas, or allies and partners; and continuing efforts to provide financial and advisory support to the Afghan Government and to enable a well-trained, equipped, and sustainable ANDSF that provides security in Afghanistan. (...) In early 2016, the United States expanded counterterrorism objectives in Afghanistan to include targeting ISIS-K as part of the broader fight against ISIS. (...) The ultimate goal of U.S. and international efforts is a sovereign, secure, stable, and unified Afghanistan.</p> <p>(...) First, through OFS, U.S. forces are continuing the counterterrorism mission against ISIS-K and al Qaeda and its associates in Afghanistan to prevent their resurgence and external plotting against the U.S. homeland and U.S. interests in the region. U.S. counterterrorism efforts remain focused on defeating al Qaeda and its associates, defeating ISIS-K, protecting U.S. forces, and preventing Afghanistan from becoming a safe-haven for terrorists to plan attacks against the U.S. homeland, U.S. interests overseas, and allies and partners. Counterterrorism efforts in Afghanistan have helped the United States avoid another major terrorist attack against the U.S. homeland since September 11, 2001. However, the existence of up to 20 terrorist or insurgent groups present or operating in Afghanistan and Pakistan, including ISIS-K, requires a U.S. presence in the region that can monitor and address threats, even as the United States builds an Afghan capability to deter terrorist exploitation of Afghan territory. The United States remains in an armed conflict against al Qaeda, the Taliban, and associated forces, and it continues to rely on the 2001 Authorization for Use of Military Force as the domestic legal basis for counterterrorism combat operations in Afghanistan. In addition to targeting al Qaeda and ISIS-K, U.S. forces may use force against individuals that directly participate in hostilities against U.S. or coalition forces, and U.S. forces always maintain the inherent right of individual and unit self-defense."</p> <p>(United States, Department of Defence, "Enhancing Security and Stability in Afghanistan", Report to the Congress, June 2017, retrieved at https://dod.defense.gov/Portals/1/Documents/pubs/June_2017_1225_Report_to_Congress.pdf (accessed on 20 November 2022))</p> <p>[President Trump:] "In Afghanistan and Pakistan, America's interests are clear: We must stop the resurgence of safe havens that enable terrorists to threaten America, and we must prevent nuclear weapons and materials from coming into the hands of terrorists and being used against us, or anywhere in the world for that matter. (...)</p> <p>From now on, victory will have a clear definition: attacking our enemies, obliterating ISIS, crushing al Qaeda, preventing the Taliban from taking over Afghanistan, and stopping mass terror attacks against America before they emerge. (...) Afghanistan is fighting to defend and secure their country against the same enemies who threaten us. The stronger the Afghan security forces become, the less we will have to do. Afghans will secure and build their own nation and define their own future. (...)" (United States, The White House, National Security and Defence, "Remarks by President Trump on the Strategy in Afghanistan and South Asia", 21.08.2017, retrieved at https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-strategy-afghanistan-south-asia/(accessed on 20 November 2022))</p> <p>"The State Department on Thursday designated the Afghan affiliate of the Islamic State, a splinter group mostly made up of former Afghan and Pakistani Taliban members, as a foreign terrorist organization. The designation (...) allows United States</p>
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		<p>military operations against them in Afghanistan to fall under the official counterterrorism mission agreed to by the Afghan government." ("US Lists Afghan Branch of ISIS as Terrorist Group", The New York Times, 14.01.2016, https://www.nytimes.com/2016/01/15/world/asia/us-lists-afghan-branch-of-isis-as-terrorist-group.html (accessed on 20 November 2022))</p> <p>"American officials have said that the strikes against the Islamic State were part of a defensive policy to protect the coalition forces from harm. (...) "The department anticipated a summer uptick in insurgent activity, and we were prepared to protect our forces," said a Pentagon spokeswoman, Henrietta Levin, accounting for the increase in airstrikes." ("US Steps Up Airstrikes in Afghanistan, Even Targeting ISIS", The New York Times, 15.07.2015, https://www.nytimes.com/2015/07/16/world/asia/afghanistan-us-steps-airstrikes-isis.html (accessed on 20 November 2022))</p> <p>"When the American military dropped the largest bomb in its arsenal on an Islamic State cave complex here in eastern Afghanistan in April, the generals justified it as part of a robust campaign to destroy the group's local affiliate by year's end." ("In Tangled Afghanistan War, a Thin Line of Defence against ISIS", The New York Times, 25.12.2017, https://www.nytimes.com/2017/12/25/world/asia/eastern-afghanistan-isis.html (accessed on 20 November 2022))</p> <p>"The United States dropped the "mother of all bombs" — the most powerful conventional bomb in the American arsenal — on an Islamic State cave complex in Afghanistan on Thursday, the Pentagon said (...). President Trump has bestowed additional authority on the Pentagon in his first months in office, which the military has argued will help it defeat the Islamic State more speedily." ("US Drops 'Mother of All Bombs' on ISIS Caves in Afghanistan", The New York Times, 13.04.2017, https://www.nytimes.com/2017/04/13/world/asia/moab-mother-of-all-bombs-afghanistan.html (accessed on 20 November 2022))</p> <p>"As the draft resolution notes, anti-Government forces such as the Taliban, along with terrorist groups such as Al-Qaida and the Islamic State in Iraq and the Sham in Khorasan, were responsible for a significant majority of those civilian casualties. It was in that context that in August President Trump approved a new regional strategy for the United States in South Asia, based on the recognition that Afghanistan's security and stability is tied to that of the entire region, and that we must enlist that region in efforts to bring peace to Afghanistan. We will continue to support the Afghan Government and security forces in their fight against the Taliban and terrorist groups. We commend the Afghan Government on the progress it has made in combating those threats, and we are prepared to assist its forces in ending the war and preventing the re-establishment of any terrorist safe haven." (A/72/PV.56, 20 November 2018)</p>
5.2.	3 maintenance of regional stability	<p>"In early 2016, the United States expanded counterterrorism objectives in Afghanistan to include targeting ISIS-K as part of the broader fight against ISIS. (...) The ultimate goal of U.S. and international efforts is a sovereign, secure, stable, and unified Afghanistan." (United States, Department of Defence, "Enhancing Security and Stability in Afghanistan", Report to the Congress, June 2017, https://dod.defense.gov/Portals/1/Documents/pubs/June_2017_1225_Report_to_Congress.pdf (accessed on 20 November 2022))</p>

		<p>"As the draft resolution notes, anti-Government forces such as the Taliban, along with terrorist groups such as Al-Qaida and the Islamic State in Iraq and the Sham in Khorasan, were responsible for a significant majority of those civilian casualties. It was in that context that in August President Trump approved a new regional strategy for the United States in South Asia, based on the recognition that Afghanistan's security and stability is tied to that of the entire region, and that we must enlist that region in efforts to bring peace to Afghanistan. We will continue to support the Afghan Government and security forces in their fight against the Taliban and terrorist groups. We commend the Afghan Government on the progress it has made in combating those threats, and we are prepared to assist its forces in ending the war and preventing the re-establishment of any terrorist safe haven." (A/72/PV.56, 20 November 2018)</p> <p>"For our part, the United States continues its support for an Afghan-led and Afghan-owned process. Peace in Afghanistan is possible, and we must all seize this opportunity." (A/74/PV.36, 27 November 2019)</p>
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	Code	Material
6. UNSC Reaction	3 unclear	<i>see ISIS-K 6</i>
7. UNGA Reaction	3 unclear	<i>see ISIS-K 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	<i>### Although there are state reactions in relation to the overall conflict, there is no state reaction that specifically addresses the actions of the United States. This cannot be classified as an unclear reaction, but rather as no reaction at all. ###</i>

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	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	

0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	4 defence against terrorism	"Terrorism has had a devastating impact on Afghanistan and its neighbouring countries. We share the determination of the international community not to allow Afghanistan's territory to be used by Al-Qaida, the Islamic State in Iraq and the Levant or other international terrorist groups and their affiliates to threaten or attack any country . (...) We call on all parties to the Afghan conflict to take urgent steps to reduce the level of violence with a view to the eventual cessation of hostilities." (A/75/PV.40, 10 December 2020)
5.2	3 maintenance of regional stability	"Apart from the people of Afghanistan, it is the people of Pakistan who have suffered the most from the decades of war and violence in that country . The conflict next door has fundamentally altered and affected Pakistan's polity, economy and society. Our response to the suffering of our Afghan brothers and sisters has been marked by empathy and generosity. My country has offered unprecedented hospitality and support to the Afghan people in the past several decades of their travail and tragedy. (...) The intensifying violence and instability in Afghanistan, and the growing presence of Da'esh and a large number of other terrorist and militant groups in its ungoverned spaces, is cause for grave concern for the Afghan people, Afghanistan's neighbours and the international community ." (A/72/PV.56, 20 November 2018) "The success of the efforts to achieve peace and prosperity in Afghanistan is therefore vital for us. Apart from Afghanistan itself, no country has suffered more than Pakistan from the four decades of war and foreign interventions in Afghanistan. (...) Our Prime Minister, Imran Khan, has been opposed to foreign intervention in Afghanistan from the outset . Pakistan has consistently maintained that there can be no military solution to the conflict in that country . Peace can be restored only

		<p>through a negotiated political settlement involving the full spectrum of the Afghan political class." (A/74/PV.36, 27 November 2019)</p> <p>"Peace in Afghanistan will open the door to economic cooperation and investment, including projects such as the Belt and Road Initiative and the China-Pakistan economic corridor." (A/74/PV.36, 27 November 2019)</p>
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	Code	Material
6. UNSC Reaction	3 unclear	<i>see ISIS-K 6</i>
7. UNGA Reaction	3 unclear	<i>see ISIS-K 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	<p>United States: <i>### No state reaction regarding actions taken by Pakistan can be found, except a statement by the US, accusing Pakistan of providing safe havens for terrorists. ###</i></p> <p>"The next pillar of our new strategy is to change the approach and how to deal with Pakistan. We can no longer be silent about Pakistan's safe havens for terrorist organizations, the Taliban, and other groups that pose a threat to the region and beyond. Pakistan has much to gain from partnering with our effort in Afghanistan. It has much to lose by continuing to harbor criminals and terrorists." (United States, The White House, National Security and Defence, "Remarks by President Trump on the Strategy in Afghanistan and South Asia", 21.08.2017)</p>

77. Pakistan vs. TTP 2015

Key data

Duration: 2015; Parties: Government of Pakistan, Government of Afghanistan vs. TTP (Therik-i-Taliban Pakistan); Initiator: TTP.

TTP: Tehrik-i-Taliban-Pakistan

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### TTP aims to bring about a change of policy in Pakistan in order to, among other things, establish the Islamic law in Pakistan. These arguments, however, cannot be classified as international legal arguments. Therefore, TTP is not raising a justificatory or legitimacy claim.###</p> <p>“Tehrik-e Taliban Pakistan (TTP), also known as the Pakistan Taliban, is an alliance of formerly disparate militant groups that came together in 2007 following Pakistan military operations against Al-Qaida-related (QDe.004) militants in the Federally Administered Tribal Areas. Formed under the</p>

						<p>leadership of Baitullah Mehsud, who has since died, TTP is rooted along the Afghanistan/Pakistan border. Some estimates suggest that TTP has between 30,000 and 35,000 members. TTP's stated objective is the overthrow of the elected government of Pakistan in order to establish an emirate based on its interpretation of Islamic law. To that end, TTP has worked to destabilize Pakistan by directly attacking the Pakistani army and assassinating politicians. (...) TTP claimed a number of high profile suicide attacks which aimed to "punish" the government and bring about a change of policy."</p> <p>(UN Security Council, Tharik-e Taliban Pakistan (TTP), https://www.un.org/securitycouncil/sanctions/1267/aq_sanctions_list/summaries/entity/tehrick-e-taliban-pakistan-%28ttp%29 (accessed on 20 November 2022))</p> <p>"Das Hauptanliegen der Taliban ist der Abzug der pakistanischen Armee aus Waziristan, einem wichtigen Stammesgebiet an der Grenze zu Afghanistan. Es war 2009 nach einem massiven Angriff von der Armee besetzt worden. Nach einem Abzug könnten dort paramilitärische Grenztruppen stationiert werden. Die Taliban fordern dagegen, dass nur lokale Polizei die öffentliche Ordnung aufrecht erhält. Ferner soll die Regierung Reparationen für entstandene Schäden zahlen, gefangene Taliban freilassen und ihren Anführern Bewegungsfreiheit im ganzen Land garantieren."</p> <p>("Pakistanische Taliban erklären angeblich Waffenstillstand", Frankfurter Allgemeine Zeitung, 22.11.2011, https://www.faz.net/aktuell/politik/ausland/friedensverhandlungen-pakistanische-taliban-erklaren-angeblich-waffenstillstand-11537260.html (accessed on 20 November 2022))</p> <p>"Der erfahrene Kämpfer Baitullah Mehsud, der aus dem einflussreichen Stamm der Mehsud stammt, wurde als ‚Amir‘ oder Anführer dieser Dachorganisation [der TTP] etabliert. Seine Ziele waren, so hat es der Harvard-Wissenschaftler Hassan Abbas nachgezeichnet, die Einführung der Scharia in Pakistan, der Kampf gegen die Nato in Afghanistan, ein ‚Verteidigungsdschihad‘ gegen die pakistanische Armee und die Absage an weitere Friedens- oder Waffenstillstandsabkommen mit der Regierung in Islamabad."</p> <p>("Al-Qaida ringt um mehr Einfluss bei den Taliban", Der Spiegel, 18.10.2009, https://www.spiegel.de/politik/ausland/radikale-in-pakistan-al-qaida-ringt-um-mehr-einfluss-bei-den-taliban-a-655618.html (accessed on 20 November 2022))</p> <p>"The promise made by the Taliban - in Pashtun areas straddling Pakistan and Afghanistan - was to restore peace and security and enforce their own austere version of Sharia, or Islamic law, once in power." ("Who are the Taliban", BBC, 27.02.2020, https://www.bbc.com/news/world-south-asia-11451718 (accessed on 20 November 2022))</p>
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Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	2 disapproves	<p>### The UN ISIL and Al-Qaida Sanctions Committee listed TTP on 29 July 2011 in as an entity in the ISIL (Da'esh) and Al-Qaida Sanctions List. ###</p> <p>"In accordance with paragraph 13 of resolution 1822 (2008) and subsequent related resolutions, the ISIL (Da'esh) and Al-Qaida Sanctions Committee makes accessible a narrative summary of reasons for the listing for individuals, groups, undertakings and entities included in the ISIL (Da'esh) and Al-Qaida Sanctions List. TEHRIK-E TALIBAN PAKISTAN (TTP)</p>

		<p>Date on which the narrative summary became available on the Committee's website: 29 July 2011 Date(s) on which the narrative summary was updated: 3 February 2015; 7 May 2020 Reason for listing: Tehrik-e Taliban Pakistan (TTP) was listed on 29 July 2011 pursuant to paragraphs 4 and 5 of resolution 1989 (2011) as being associated with Al-Qaida for “participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of”, “supplying, selling or transferring arms and related materiel to”, “recruiting for” or “otherwise supporting acts or activities of” Al-Qaida.” (UN Security Council, Therik-e Taliban Pakistan (TTP) https://www.un.org/securitycouncil/sanctions/1267/aq_sanctions_list/summaries/entity/tehrick-e-taliban-pakistan-%28ttp%29 (accessed on 20 November 2022))</p>
7. UNGA Reaction	3 unclear	<p>### The Secretary-General is reporting to the GA and the SC that TTP is committing attacks. However, these attacks are not evaluated, but just described. Therefore, the reaction remains unclear. ###</p> <p>“196. In 2015, attacks by armed groups in Pakistan declined by 48 per cent compared with 2014. The majority of attacks were attributed to TTP, predominantly in Baluchistan. The Government’s military operations in North Waziristan against armed groups continued throughout 2015.” (A/70/836- S/2016/360, 20.04.2016, “Report of the Secretary General, Children and armed conflict”)</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p><u>The United States:</u> ### The United states designates TTP as a Foreign Terrorist Organisation since 2010. ###</p> <p>“The Secretary of State has designated Tehrik-e Taliban Pakistan (TTP) as a Foreign Terrorist Organization (FTO) under Section 219 of the Immigration and Nationality Act (INA). The Secretary also designated TTP as a Specially Designated Global Terrorist under E.O. 13224.” (US Department of State, Archive, Bureau of Public Affairs: Office of Press Relations, Designations of Therik-e Taliban Pakistan and Two Senior Leaders, 01.09.2010, https://2009-2017.state.gov/r/pa/prs/ps/2010/09/146545.htm (accessed on 20 November 2022))</p> <p>Great Britain: ### Great Britain classified TTP as a banned terrorist organization under its Terrorism Act 2000. [for further listing see: ###</p> <p>“Tehrik-e Taliban Pakistan has carried out a high number of mass casualty attacks in Pakistan and Afghanistan since 2007. The group have announced various objectives and demands, such as the enforcement of sharia, resistance against the Pakistani army and the removal of NATO forces from Afghanistan. The organisation has also been involved in attacks in the West, such as the attempted Times Square car-bomb attack in May 2010.”</p>

	<p>(Government of Great Britain, Proscribed Terrorist Organizations, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/266038/List_of_Proscribed_organisations.pdf (accessed on 20 November 2022))</p> <p>“There’s a high threat of terrorism and sectarian violence throughout the country. The main terrorist threat comes from Tehrik-e Taleban Pakistan (TTP), an umbrella organisation of groups primarily based in the former Federally Administered Tribal Areas (FATA). Daesh is also active. While both groups’ activities are primarily directed against the Pakistani state, they have in the past stated an intent to launch attacks on western interests. TTP and Daesh conduct attacks throughout Pakistan.” (Government of Great Britain, “Pakistan - Foreign Travel Advice”, https://www.gov.uk/foreign-travel-advice/pakistan/terrorism (accessed on 20 November 2022))</p> <p>Canada: <i>### Canada lists TTP under the banned terrorist organizations ###</i></p> <p>“The Honourable Vic Toews, Canada's Minister of Public Safety, today announced that the Government of Canada has listed Tehrik-e-Taliban Pakistan (TTP) as a terrorist group, pursuant to the Criminal Code of Canada. ‘Fighting terrorism is one of the most important challenges we face as a nation. The threat is real, persistent, and evolving, and we remain vigilant in confronting it,’ said Minister Toews. ‘Listing Tehrik-e-Taliban Pakistan, an organization that has claimed responsibility for multiple suicide attacks in Pakistan and the attempted bombing of Times Square in New York City in May 2010, is an essential part of our efforts to combat terrorism and keep our communities safe.’ ("The Government of Canada lists Therik-e-Taliban Pakistan as a terrorist organization", Government of Canada, 05.07.2011, https://www.publicsafety.gc.ca/cnt/nws/nws-rlss/2011/20110705-en.aspx (accessed on 20 November 2022))</p> <p>Pakistan: <i>### Pakistan classifies the Taliban as terrorists. ###</i></p> <p>“The first-of-its-kind deal between the two intelligence agencies followed a landmark visit by Prime Minister Nawaz Sharif along with Army Chief Gen Raheel Sharif and ISI Chief Lt Gen Rizwan Akhtar to Kabul last Tuesday during which the Pakistan government denounced Taliban and said that future violence by the militant group would be treated as terrorism.” ("ISI, Afghan intelligence in landmark deal", Dawn, 19.05.2015, https://www.dawn.com/news/1182742 (accessed on 20 November 2022))</p> <p>Afghanistan: <i>### Afghanistan described the TTP as terrorists. ###</i></p> <p>“In his address on Monday, Mr. Ghani [President of Afghanistan] broke with the former administration’s tactic of describing the Taliban as discontented brothers in the hopes of urging them to talks. Mr. Ghani called the insurgents terrorists who ‘take pleasure in the torn-up bodies of our innocents,’ and their leaders ‘slavelike’ and involved in narcotics mafias. He also declared the end of ‘amnesty without cause’ for arrested Taliban, many of whom had in the past returned to the battlefield after release from prisons.”</p>
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	<p>("Afghan President Demands Pakistan Take Military Action Against Taliban", The New York Times, 25.04.2016, https://www.nytimes.com/2016/04/26/world/asia/afghanistan-pakistan-taliban.html (accessed on 20 November 2022))</p> <p>Germany: ### Condemning attacks by Pakistani Taliban: ###</p> <p>"Foreign Minister Frank-Walter Steinmeier issued the following statement today (16 December) on the attack by radical Islamic Taliban on a school in northwestern Pakistan that killed over 100 people according to media reports: I condemn this criminal attack in the strongest possible terms. The appalling cowardice of taking children as hostages and murdering them goes beyond anything that Pakistan, which has been afflicted by terror and violence for years, has experienced to date." ("Foreign Minister Steinmeier condemns terrorist attack on a school in Pakistan", German Federal Foreign Office, 16.12.2014, https://www.auswaertiges-amt.de/en/newsroom/news/141216-anschlag-pak/267718 (accessed on 20 November 2022))</p>
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770 Pakistan

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### Pakistan did not raise any international justificatory arguments, but it rather classified its fight against TTP as "national" actions against extremists. Therefore, Pakistan does not bring forward a justificatory claim under international law. ###</p> <p>"Shahid Khaqan Abbasi, Prime Minister of Pakistan (...) Emphasizing that his country was not prepared to fight the Afghan war on Pakistan's soil, he said it also could not endorse any failed</p>

						<p>strategy that would prolong and intensify the suffering of the people of either country. The most urgent and realistic goals in Afghanistan were to employ concerted action to eliminate the presence of Da'esh and their affiliates, including the TTP (Tehrik-i-Taliban Pakistan) and Jamaat-ul-Ahrar, and to promote negotiations between Kabul and the Afghan Taliban.</p> <p>(...) Nevertheless, it remained committed to fully implementing its national action plan against terrorism and extremism. 'Terrorism is now a global phenomenon, which must be addressed comprehensively,' he said, noting that the international community had failed to address the issue of State-sponsored terrorism. Eradicating terrorism required addressing its root causes, which were not only poverty and ignorance. Terrorism was an extreme response to real or perceived political or other grievances — including foreign intervention — as well as oppression and injustice.”</p> <p>(GA/11950, 21 September 2017, UN General Assembly, 72th Session, 11th to 14th Meetings, “Global Cooperation, Tackling Root Causes Central to Fight against Terrorism, World Leaders Stress on Third Day of General Debate”)</p> <p>“Pakistans Premierminister Nawaz Sharif schloss nach dem Massaker künftige Verhandlungen mit der TTP aus. Nach seinem Wahlsieg 2013 hatte er sich noch um Gespräche mit den pakistanischen Taliban bemüht. ‚Diese Option offenzuhalten, ist nach meinem Gefühl nicht mehr machbar‘, sagte Sharif nun während eines Treffens mit führenden Politikern aller im Parlament vertretenen Parteien in Peshawar. ‚Der Gesprächsprozess (mit den Taliban) begann, und das Ergebnis ist das, was vor Ihnen liegt.‘ Seine Regierung vertrete die Ansicht, dass die Armee weiterhin gegen die Extremisten vorgehen müsse. Sharif sagte, er schließe auch Angriffe außerhalb der Grenzen Pakistans in Afghanistan nicht aus.”</p> <p>("Drei Tage Staatstrauer in Pakistan", Frankfurter Allgemeine Zeitung, 18.12.2014, S. 6 https://www.faz-corporate.de/faz-portal/document?uid=FAZ__FD2201412184454902&token=2bc3724f-cff8-4912-9c1d-91ac0ee3c59c&p._scr=faz-archiv&p.q=drei+tage+Staatstrauer+in+pakistan&p.source=&p.max=10&p.sort=&p.offset=0&p._ts=1673519546905&p.DT_from=01.11.1949&p.timeFilterType=0 (accessed on 20 November 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	### TTP was listed by the UNSC as an entity of the ISIL (Da'esh) and Al-Qaida Sanctions List (see above); however, the UNSC did not discuss the overall conflict by Pakistan against TTP in its meetings ###
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>### State reaction remains unclear, as some States are accusing Pakistan to defend terrorism in Pakistan, and some States are urging Pakistan to take up further action against TTP, while other States are supporting military actions against TTP.###</p> <p>United States: ### The United States are urging Pakistan to take up further action against the terrorists and are supporting Pakistan in their fight against TTP by undertaking drone attacks. ###</p> <p>"President Obama's national security adviser, Susan E. Rice, urged Pakistani civilian and military leaders on Sunday to do more to stop militants from using Pakistani territory to stage attacks in neighboring countries." ("Susan Rice, Obama's Security Adviser, Urges Pakistan to do more against Militants", The New York Times, 30.08.2015, https://www.nytimes.com/2015/08/31/world/asia/susan-rice-obamas-security-adviser-urges-pakistan-to-do-more-against-militants.html (accessed on 20 November 2022))</p>

	<p>“The US has long pushed for such an operation to go after militants [the Pakistani Taliban] that use the area as a safe haven from which to attack targets in Pakistan and Afghanistan.” ("Pakistan military launches ground attack on militants in North Waziristan", The Guardian, 30.06.2014, https://www.theguardian.com/world/2014/jun/30/pakistan-military-ground-attack-militants-north-waziristan (accessed on 20 November 2022))</p> <p>“The strike in Baluchistan was also seen as a signal that the Obama administration was growing less patient with Pakistan’s failure to move strongly against the Taliban insurgency. While Pakistan’s powerful military establishment has quietly cooperated with the C.I.A.’s campaign of drone strikes against Al Qaeda and the Pakistani Taliban in the northwestern tribal areas, it has refused past requests from the spy agency to expand the drone flights into Baluchistan, former American officials said. The United States and the Afghan government have long pointed at the Taliban sanctuaries across the border in Pakistan, particularly in Baluchistan, as the main reason for the resilience of the insurgents despite a campaign against them that, at its peak, involved nearly 150,000 international troops.” ("Taliban Chief Targeted by Drone Strike in Pakistan, Signaling US Shift", The New York Times 22.05.2016 https://www.nytimes.com/2016/05/23/world/asia/afghanistan-taliban-leader-mullah-mansour.html (accessed on 20 November 2022))</p> <p>“Unterstützt wird die [pakistanische] Armee [im Kampf gegen TTP] von Drohnenangriffen der Vereinigten Staaten, die auch am Mittwoch fortgesetzt wurden. Trotz des Bündnisses mit Washington gilt der pakistanische Geheimdienst- und Militärapparat als höchst ambivalent im Kampf gegen den islamistischen Terrorismus. Nachgewiesen sind Verbindungen zu afghanischen Taliban und zu in Indien operierenden Terrorgruppen, deren Wirken vielfach als politischer Hebel im Kampf gegen den Erzrivalen Indien, nicht zuletzt auch um Einfluss in Afghanistan benutzt wurde.” ("Drei Tage Staatstrauer in Pakistan", Frankfurter Allgemeine Zeitung, 18.12.2014, S. 6 https://www.faz-corporate.de/faz-portal/document?uid=FAZ__FD2201412184454902&token=2bc3724f-cff8-4912-9c1d-91ac0ee3c59c&p._scr=faz-archiv&p.q=drei+tage+Staatstrauer+in+pakistan&p.source=&p.max=10&p.sort=&p.offset=0&p._ts=1673519546905&p.DT_from=01.11.1949&p.timeFilterType=0 (accessed on 20 November 2022))</p> <p>India: <i>### India accused Pakistan to defend terrorism and to harbour terrorists and gave them a safe haven. Pakistan is further called a “failed State” by India. ###</i> “The representative of India, also speaking in exercise of the right of reply, asked how Pakistan could play the role of victim when it defended terrorism. India noted that Pakistan had become a territory synonymous with ‘pure terror’. Saying Pakistan had harboured terrorists, even legitimizing some as politicians, India affirmed that Jammu and Kashmir were and would always remain an integral part of India. Pakistan’s actions had earned it the name of ‘Terrorstan’, India asserted, saying Pakistan had</p>
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	<p>'upstreamed' terrorists and provided safe haven to terrorist groups. India said 'failed State' Pakistan had diverted funds towards the military. The priority for Pakistan, India said, had to be the abandonment of its destructive world view." (GA/11950, 21 September 2017, UN General Assembly, "Global Cooperation, Tackling Root Causes Central to Fight against Terrorism, World Leaders Stress on Third Day of General Debate")</p> <p>Afghanistan: <i>### Afghanistan is stating that terrorists in Pakistan are a major source of instability in Afghanistan. ###</i></p> <p>"Kabul wiederum wirft Pakistan vor, in Afghanistan operierenden Taliban Unterschlupf zu gewähren." ("Drei Tage Staatstrauer in Pakistan", Frankfurter Allgemeine Zeitung, 18.12.2014, S. 6 https://www.faz-corporate.de/faz-portal/document?uid=FAZ_FD2201412184454902&token=2bc3724f-cff8-4912-9c1d-91ac0ee3c59c&p._scr=faz-archiv&p.q=drei+tage+Staatstrauer+in+pakistan&p.source=&p.max=10&p.sort=&p.offset=0&p._ts=1673519546905&p.DT_from=01.11.1949&p.timeFilterType=0 (accessed on 20 November 2022))</p> <p>"The representative of Afghanistan said the representative of Pakistan aimed to divert international attention from its longstanding failure to act against terrorist havens. Terrorists in Pakistan were a major source of instability in Afghanistan. Pakistan had every opportunity to combat terrorism and engage in peace and security. He asked: 'Where was the mastermind of terrorism, Osama Bin Laden, killed?' More than 20 internationally recognized terrorist groups had entered Afghanistan from Pakistan." (GA/11950, 21 September 2017, UN General Assembly, "Global Cooperation, Tackling Root Causes Central to Fight against Terrorism, World Leaders Stress on Third Day of General Debate")</p> <p>"Chief of Army Staff (COAS) General Raheel Sharif met Afghan President Ashraf Ghani on Wednesday and assured him continued full support for intelligence sharing, operational coordination and reconciliation process for peace and stability in Afghanistan. According to ISPR, the meeting focused on regional security with particular reference to the security situation and peace process in Afghanistan. While emphasising the need of enhancing bilateral relations between both the countries, the Afghan president vowed to work together to eliminate common threat of terrorism. He acknowledged the successes achieved by Pakistan in war against terror. General Raheel Sharif said, 'We are committed to work together with Afghanistan on the basis of mutual interest and respect. We should pursue a strategic relationship that is enduring and enhances the security and concomitant prosperity of both brotherly countries.' ("COAS assures Afghan president full support for peace", Daily Times, 09.12.2015, https://dailytimes.com.pk/97064/coas-assures-afghan-president-full-support-for-peace/ (accessed on 20 November 2022))</p> <p>China: <i>### China supports the military operation Zarb-e-Azb by Pakistan, which is launched against TTP. ###</i></p>
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	<p>“Separately, Chinese Foreign Minister Wang Yi called on General Raheel Sharif and appreciated the “effective and across-the-board” operation Zarb-e-Azb by Pakistan Army which helped eliminate ETIM (East Turkestan Islamic Movement) just as it eliminated elements of all other terrorist groups based in the area.” (“COAS assures Afghan president full support for peace”, Daily Times, 09.12.2015, https://dailytimes.com.pk/97064/coas-assures-afghan-president-full-support-for-peace/ (accessed on 20 November 2022))</p> <p>Russia: <i>### Russia supports the military operation Zarb-e-Azb by Pakistan, which is launched against TTP. ###</i></p> <p>“Russian State Duma (lower House of Russian Parliament) speaker Sergey Naryshkin said that they stood with Pakistan in its fight against extremism, during a meeting with Army chief General Raheel Sharif on Wednesday. Naryshkin appreciated Pakistan’s efforts for stability in the region and for the ongoing operations to fight terrorism. ‘Russia will stand by Pakistan in its fight against terrorism and extremism to ensure stability in the region,’ Director General Inter Services Relations Major General Asim Bajwa quoted Naryshkin as saying.” (“Russia stands with Pakistan in fight against extremism, Army chief told”, The Express Tribune Pakistan, 17.06.2015, https://tribune.com.pk/story/905232/russia-stands-with-pakistan-in-fight-against-extremism-army-chief-told (accessed on 20 November 2022))</p> <p>“Chief of Army Staff (COAS) General Raheel Sharif held a meeting with Chairman State Duma of Russian Federation in Moscow on Wednesday, according to ISPR. Both sides discussed ways to enhance defence cooperation and more military exchanges to benefit from each others' combat experience. The Chairman Duma appreciated Pakistan's efforts for stability in region and ongoing operation against the terrorists. He said ‘Russia will stand by Pakistan in its fight against terrorism and extremism for stability in region.’” (“Chairman State Duma appreciates Pakistan’s efforts for stability in region”, Geo News, 17.06.2015, https://www.geo.tv/latest/3909-chairman-state-duma-appreciates-pakistan-s-efforts-for-stability-in-region (accessed on 20 November 2022))</p>
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700 Afghanistan

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	2 No	2 No	2 No	2 No	<p>### Afghanistan is operating aside Pakistan as it was requested by Afghanistan to assist in the fight against TTP ###</p> <p>“The Afghan government is hoping Pakistan will help facilitate dialogue with the leaders of the Afghan Taliban, whom Pakistan has long harbored and enabled. Pakistan, for its part, has asked Kabul’s assistance against the leaders of the militant group Tehrik-e-Taliban Pakistan (T.T.P.), the so-called Pakistani Taliban, whose leaders are said to be hiding in eastern Afghanistan.” ("Afghanistan and Pakistan: The False Promise of Rapprochement", The New York Times, 22.03.2015, https://www.nytimes.com/2015/03/23/opinion/afghanistan-and-pakistan-the-false-promise-of-rapprochement.html (accessed on 20 November 2022))</p> <p>“A top Afghan envoy is said to have assured Chief of Army Staff Gen Raheel Sharif “full cooperation” from the Afghan National Security Forces (ANSF) in ensuring effective border surveillance in the backdrop of the Pakistan Army’s ongoing military operation against the Tehreek-e-Taliban Pakistan (TTP) in North Waziristan Agency. In a rare visit to the General Headquarters (GHQ), Afghan Ambassador to Pakistan Janan Mosazai met COAS General Raheel Sharif on Wednesday to discuss the relevant Pak-Afghan border issues involving Zarb-e-Azb operation. ‘The ongoing operation in North Waziristan Agency and matters of mutual interest, including measures to improve security along Pakistan – Afghanistan border, were discussed,’ a brief statement from Inter-Services Public Relations (ISPR) said.” ("Afghanistan assures Pakistan of full support in NWA operation", The Daily Times, 17.07.2014, https://web.archive.org/web/20140714204155/http://www.dailytimes.com.pk/national/19-Jun-2014/afghanistan-assures-pakistan-of-full-support-in-nwa-operation (accessed on 20 November 2022))</p> <p>“Chief of Army Staff (COAS) General Raheel Sharif met Afghan President Ashraf Ghani on Wednesday and assured him continued full support for intelligence sharing, operational coordination and reconciliation process for peace and stability in Afghanistan.</p>

							<p>According to ISPR, the meeting focused on regional security with particular reference to the security situation and peace process in Afghanistan. While emphasising the need of enhancing bilateral relations between both the countries, the Afghan president vowed to work together to eliminate common threat of terrorism. He acknowledged the successes achieved by Pakistan in war against terror. General Raheel Sharif said, 'We are committed to work together with Afghanistan on the basis of mutual interest and respect. We should pursue a strategic relationship that is enduring and enhances the security and concomitant prosperity of both brotherly countries.'"</p> <p>("COAS assures Afghan president full support for peace", Daily Times, 09.12.2015, https://dailytimes.com.pk/97064/coas-assures-afghan-president-full-support-for-peace/ (accessed on 20 November 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	### TTP was listed by the UNSC as an entity of the ISIL (Da'esh) and Al-Qaida Sanctions List (see above); however, the UNSC did not discuss the overall conflict by Pakistan against TTP in its meetings ###

7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	<p>### No State reaction regarding the military actions taken by Afghanistan in Pakistan can be found except for Pakistan and China. ###</p> <p>China: ### China is willing to help broker talks with the Afghan Taliban. ###</p> <p>“China, meanwhile, has expressed more interest in the region, including a willingness to help broker talks with the Afghan Taliban. In exchange it hopes to enlist the assistance of Afghanistan and Pakistan to counter the threat of the East Turkestan Islamic Movement, a Uighur separatist group thought to have links to the Taliban.” (“Afghanistan and Pakistan: The False Promise of Rapprochement”, The New York Times, 22.03.2015, https://www.nytimes.com/2015/03/23/opinion/afghanistan-and-pakistan-the-false-promise-of-rapprochement.html (accessed on 20 November 2022))</p> <p>Pakistan: ### Pakistan is accusing Afghanistan to harbour TTP terrorists. ###</p> <p>“Dem Geheimdienst im Nachbarland wird vorgeworfen, die Extremisten von seinem Territorium aus operieren zu lassen. Umgekehrt wirft Pakistan der afghanischen Seite vor, der Terrorgruppe Tehrik-e Taliban Pakistan (TTP) Unterschlupf zu gewähren.” (“Brüderliche Waffenruhe”, Frankfurter Allgemeine Zeitung, 18.06.2018, p. 2 https://fazarchiv.faz.net/faz-portal/document?uid=FAZ__FD1201806185447615 (accessed on 20 November 2022))</p> <p>### The Afghan President Ghani stated that the response of States was fragmented, and some States would provide sanctuary to the networks of the Taliban. ###</p> <p>“[...] the response of the states has been fragmented and some still provide sanctuary and support or tolerate these networks [the Taliban]. As Mr. Kakazada, one of the key figures in the Taliban movement recently said, if they did not have sanctuary in Pakistan, they would not last a month.” (The President of the Islamic Republic of Afghanistan, President Mohammed Ashraf Ghani’s Remarks at 6th Ministerial Conference at the Heart of Asia-Istanbul Process, 04.12.2016 https://president.gov.af/en/president-mohammad-ashraf-ghanis-remarks-at-6th-ministerial-conference-of-the-heart-of-asia-istanbul-process/ (accessed on 20 November 2022))</p>

78. Nigeria et al. vs. Islamic State 2015-present

Key data

Duration: 2015 – present; Parties: Nigeria, Chad, Cameroon, Niger v. Islamic State; Initiator: Islamic State (West African Province).

475 Nigeria

		Code					
Law invoked?	2 No						
1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	4 defence against terrorism	<p>“Nigeria faces four key threats to the stability and prosperity of the nation – namely: ISWAP/Boko Haram terrorism in the North-East (...) In the North, Boko Haram members – many of whom now fight under the breakaway banner of Islamic State’s West Africa Province (ISWAP) – have been pushed back. At the start of the President’s tenure, Boko Haram was launching attacks across the majority of the country – including in southern states and Lagos. Today they are cornered and confined along with their ISWAP compatriots in our country’s outermost fringes of the border, unable to spread further.” (Statement of the spokesperson of the President, Garba Shehu, 24.10.2021, https://www.premiumtimesng.com/news/headlines/491546-bandits-not-different-from-boko-haram-buhari-replies-the-economist.html (accessed on 12.8.2022))</p> <p>“The insurgency has been met with resolve and resilience by the Multinational Joint Task Force (...) May I seize this opportunity to reiterate the commitment of our Governments to the protection of civilians in armed conflict, in recognition of the primary responsibility of States to protect civilians within their national jurisdiction. This conviction underlies our Governments’ resolve to take all measures necessary to protect civilians in the battle against the terrorist group Boko Haram and its ilk.” (Representative of Nigeria, S/PV.8212, 22 March 2018)</p> <p>“Terrorism continues to dominate security discourse worldwide. In Nigeria, Boko Haram terrorists group, though fragmented by internal strife and weakened by our defence forces, is still active and preying on soft targets. Nigeria will continue to work closely with UN Counter-Terrorism bodies and entities with a view to bringing this scourge to an end. Nigeria has spared no effort in addressing the challenges of terrorism posed by the activities of Boko Haram in North-East Nigeria and the Lake Chad region, as well as banditry in the North-West and North-Central Nigeria. The Nigerian Security Forces have recorded considerable success in the fight against terrorism.” (President Buhari at 76th Session of the United Nations General Assembly, 24.09.2021, https://www.channelstv.com/2021/09/24/president-buharis-address-at-un-general-assembly-full-speech/ (accessed on 12.8.2022))</p>

		<p>“In Nigeria, we are still facing violent extremism from the insurgency of Boko Haram and bandits. We continue to count on our strong cooperation with UN Counter-Terrorism bodies and neighbouring countries to overcome the terrorists in the Lake Chad Basin and the wider Sahel Region.” (President Buhari, A/75/PV.5, 22 September 2020)</p> <p>“The terrorist insurgencies that we face, particularly in the Sahel and the Lake Chad basin, are partly fuelled by local factors and dynamics, but now increasingly by the international jihadi movement, runaway fighters from Iraq and Syria and arms from the disintegration of Libya.” (A/73/PV.6, 25 September 2018, President Buhari)</p> <p>“We must collectively devise strategies and mobilize the required responses in order to stop fleeing fighters of the Islamic State in Iraq and the Sham from mutating and infiltrating the Sahel and the Lake Chad basin where there are insufficient resources and a weak response capacity. That will require strong cooperation between the United Nations and regional organizations such as the African Union, on conflict prevention and management. The United Nations should continue to take primary leadership in the maintenance of international peace and security by providing, in a predictable and sustainable manner, adequate funding and other enablers to regional initiatives and peacekeeping operations authorized by the Security Council.” (A/72/PV.3, 19 September 2017, President Buhari)</p> <p>“On terrorism, as perpetrated by Boko Haram, President Buhari observed that Republic of Niger also suffers high casualties, vowing: ‘We will do all it takes to secure our two countries.’” (President Buhari, “Buhari hosts Nigerien President, Mohamed Bazoum”, The Guardian, 19.04.2021, https://guardian.ng/news/buhari-hosts-nigerien-president-mohamed-bazoum/ (accessed on 12 August 2022))</p>
5.2	3 maintenance of regional stability	<p>“An assurance went out Monday from President Muhammadu Buhari to the newly inaugurated President of the Republic of Niger, Mohamed Bazoum, who was in Nigeria on his first international visit: ‘We will stabilise our region for the benefit of the two countries’. (...) President Buhari was thankful to the immediate past President, Mahamadou Issoufou, for what he calls ‘his understanding and sacrifices’ to help stabilize the region, urging the successor to maintain the institutions his predecessor had established.” (President Buhari, “Buhari hosts Nigerien President, Mohamed Bazoum”, The Guardian, 19.04.2021, https://guardian.ng/news/buhari-hosts-nigerien-president-mohamed-bazoum/ (accessed on 12 August 2022))</p>
	Code	Material
6. UNSC Reaction	1 approves	<p>Security Council Resolution S/RES/2349, 31 March 2017:</p> <p><i>“The Security Council (...) Affirming its solidarity and full support for the conflict-affected populations of the Region (...) from the violence by terrorist groups Boko Haram and the Islamic State in Iraq and the Levant (ISIL, also known as Da’esh), and its solidarity with the respective Governments in their efforts to address these urgent needs, whilst addressing adverse economic conditions (...) Recognizing the determination and ownership of the Governments in the Region, as well as sub-regional and regional organizations, to address the impact of Boko Haram and ISIL (...) 4. Welcomes the multilateral and bilateral support provided to the military efforts in the Region and encourages greater support to strengthen the operational capability of the MNJTF to further the Region’s efforts to combat Boko Haram and ISIL (...)”</i></p>

		<p>Presidential Statement S/PRST/2017/10, 24 July 2017: “The Security Council welcomes the subregional, regional and international efforts to mitigate the security, humanitarian and development consequences of Boko Haram’s operations. The Security Council takes note of the progress made in the operationalization of the Multinational Joint Task Force (MNJTF) and urges the Member States participating in the MNJTF to further enhance regional military cooperation and coordination, deny haven to Boko Haram and Islamic State in Iraq and the Levant, secure the conditions to enable humanitarian access and facilitate the restoration of civilian security and the rule of law in liberated areas. (...)”</p> <p>Security Council Press Statement on 19 February Abduction of Schoolgirls in Dapchi, 1 March Attack in Rann, Nigeria, SC/13233, 2 March 2018: “The members of the Security Council expressed their concern about the security situation in the region of the Lake Chad Basin and recognized the threat posed by terrorist groups Boko Haram and ISIL [Islamic State in Iraq and the Levant]. The members welcomed the commitment expressed by the Governments in the regions to combat Boko Haram and ISIL, including through the Multinational Joint Task Force (MNJTF), in order to create a safe and secure environment for civilians. The members of the Security Council reaffirmed that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security.”</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<p>African Union: “Reaffirming AU Solidarity with the governments and people of the countries of the LCBC, as well as the unwavering commitment of the AU to continue to support them in the implementation of the Lake Chad Basin Regional Stabilization, Recovery and Resilience Strategy (RSS); Acting under Article 7 of its Protocol, the Peace and Security Council: 1. Welcomes the progress made on the implementation of the RSS, despite the continued attacks by the Boko Haram and the Islamic State West African Province (ISWAP) (...) 12. Decides to renew the mandate of the MNJTF for another period of twelve (12) months, effective from 31 January 2021” (Peace and Security Council of the African Union (AUPSC), Communiqué of the 1010th Meeting, PSC/PR/COMM.1010(2021) 19 July 2021)</p> <p>France: “We are all strong together in the face of terrorism when States are able to count on their own forces to ensure their security and when such security is based on regional and international solutions, in accordance with the principle I have just set out (...) That is the essence of the initiatives undertaken in the Lake Chad region, together with Nigeria, Chad and Cameroon, with the support of the African Union. That is why we must support the African Union’s initiative and push for better coordination between the African Union and the United Nations.” (President of France, Emmanuel Macron, A/73/PV.6, 25 September 2018,)</p> <p>United States: “The Lake Chad Basin is one of Africa’s most pressing challenges. For years the United States has strongly supported efforts to eradicate the terror perpetrated by Boko Haram and the Islamic State in Iraq and the Sham (ISIS), and this fight is far from over. But all of us in the Security Council must recognize that a military solution alone will not bring sustainable peace to the Lake Chad</p>

		<p>basin. (...) The United States will continue supporting regional leadership and the people of the Lake Chad basin in their arduous efforts to rid the region of Boko Haram and ISIS and establish stability, good governance and prosperity.” (Representative of the United States, S/PV.8047, 13 November 2017)</p> <p>“(...) the terror of Boko Haram and its offshoot Islamic State in Iraq and the Sham (ISIS)-West Africa continues to devastate communities, families and lives throughout the region. (...) We commend Nigeria, Chad, Cameroon, the Niger and Benin for stepping up to counter that threat through the Multinational Joint Task Force. We thank Nigeria for the leadership role it has played in the response and we urge those nations to stay focused on the task. (...). Our bilateral security assistance provides vital support to our Lake Chad basin partners in the fight against Boko Haram and ISIS-West Africa (...)” (Representative of the United States, S/PV.8212, 22 March 2018)</p> <p>Poland:</p> <p>“We firmly condemn all terrorist attacks, violations of international humanitarian law and human rights abuses by Boko Haram and the Islamic State in Iraq and the Sham in the region, including those involving killings and other violence against civilians, especially women and children. In that regard, we appreciate the Multinational Joint Task Force counterterrorism operations aimed at ending the Boko Haram insurgency.” (Representative of Poland, S/PV.8212, 22 March 2018)</p> <p>Netherlands:</p> <p>“The Multinational Joint Task Force, which brings together Benin, Cameroon, Chad, the Niger and Nigeria, has pushed back Boko Haram and the Islamic State in Iraq and the Levant. I pay tribute to their efforts, and I welcome the presence of our colleagues from those countries with us today.” (Representative of The Netherlands, S/PV.8212, 22 March 2018)</p> <p>Kuwait:</p> <p>“First, with regard to terrorism and security challenges, the countries of the Lake Chad basin — in particular Cameroon, Chad, the Niger and Nigeria — have been targeted by terrorist attacks, including those of Boko Haram and what is known as Da’esh. Such attacks have led to the deaths of unarmed civilians and other innocent people, which is a great source of concern. We need to step up regional and international efforts to combat that dangerous phenomenon, and to cut off the sources of financing to those terrorist groups. We welcome the efforts of the Multinational Joint Task Force to combat the extremist terrorist groups and to facilitate the delivery of humanitarian assistance.” (Representative of Kuwait, S/PV.8212, 22 March 2018)</p> <p>United Kingdom:</p> <p>“We welcome the steps taken by the Governments of the region through the Multinational Joint Task Force to address the terrorist threat. I welcome the presence of the representative of Nigeria at the table. I take this opportunity to acknowledge his country’s determination and leadership in fighting terrorism and to salute the partnership that the United Kingdom and Nigeria have formed on this and other vital issues.” (Representative of the United Kingdom, S/PV.8212, 22 March 2018)</p>
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483 Chad

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
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5.1	3 maintenance of regional stability	<p>“The terrorist group Boko Haram, recently renamed the Islamic State’s West Africa Province, has increased its horrific attacks and atrocities against peaceful civilians in all the riparian States of Lake Chad, sowing destruction and death. The impact of these attacks and atrocities is incalculable. (...) Aware of the serious security situation in the Sahel in general and in the subregion in particular, the States members of the Lake Chad Basin Commission (LCBC) have spared no effort in effectively confronting the threat (...). These efforts have allowed us to launch a robust military operation and to establish the Multinational Joint Task Force. Chad commends the great sacrifices made by the armed forces of the countries of the Lake Chad Basin and reiterates its commitment to fighting Boko Haram alongside them. We pay a warm tribute to all the courageous soldiers of the armies engaged in this fight who have paid the ultimate price. [...]" (Representative of Chad, S/PV.7492, 28 July 2015)</p> <p>“In Mali, as in the Lake Chad basin, my country is committed and has made enormous human, material and financial sacrifices. This commitment — undertaken by the President of the Republic, His Excellency Mr. Idriss Deby Itno, with the support of all Chadians — will endure because the collective security of the region and beyond is at stake. We must therefore consolidate our means of response if we want to counter this evil.” (Mr. Brahim Hisseine Taha, Minister for Foreign Affairs of Chad, A/72/PV.21, 23 September 2017)</p>
5.2	4 defence against terrorism	<p>“Within our means, we actively participate in addressing the existential threat of terrorism as part of both the Multinational Joint Task Force of countries of the Lake Chad basin.” (President of Chad, Idriss Deby, A/74/PV.5, 25 September 2019)</p> <p>“The terrorist threat will not disappear overnight. We will continue to remain vigilant and engaged until security is finally restored in the affected areas through the eradication of the terrorist threat. In this context, we emphasize once again that the responsibility to combat terrorism in the Sahel and the Lake Chad regions is also international, as our struggle is part of the global efforts to ensure international peace and security. We therefore call once again on the international community for greater and sustained support for the Multinational Joint Task Force in the Lake Chad Basin” (President of Chad, Idriss, A/75/PV.11, 25 September 2020)</p> <p>Representative of Nigeria in in Security Council, 8212th meeting, S/PV.8212, 22 March 2018: <i>See Nigeria 5.1</i></p>

	Code	Material
6. UNSC Reaction	1 approves	<i>see Nigeria 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see Nigeria 9</i>

471 Cameroon

	Code
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Law invoked?	2 No
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1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	4 defence against terrorism	Representative of Nigeria in in Security Council, S/PV.8212, 22 March 2018: <i>See Nigeria 5.1</i>

	Code	Material
6. UNSC Reaction	1 approves	<i>see Nigeria 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see Nigeria 9</i>

436 Niger

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material

0	0	
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	Code	Material
5. Legitimacy Claim	4 defence against terrorism	<p>Representative of Nigeria in in Security Council, S/PV.8212, 22 March 2018: <i>See Nigeria 5.1</i></p> <p>“It is now clear that the countries of the Sahel and the Lake Chad basin have become a theatre of operations for terrorist and criminal organizations. (...) As I have emphasized on numerous occasions, the international community must not turn its back on those regions, whose populations, particularly women and children, have undergone indescribable suffering. (...) In order to tackle this situation, the international community must work urgently to find a solution to the Libyan crisis, including by appointing a joint African Union-United Nations special envoy, helping to strengthen the operational and intelligence capabilities of Member States’ defence and security forces and of the Multinational Joint Task Force fighting Boko Haram in the Lake Chad basin.” (President Mahammadou Issoufou, A/74/PV.4, 24 September 2019)</p>

	Code	Material
6. UNSC Reaction	1 approves	<i>see Nigeria 6</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<i>see Nigeria 9</i>

Islamic State

	Code
Law invoked?	2 No

	Ⓢ ⓔ Ⓢ Ⓝ	Contestation about	Material
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1.1 Justificatory claim		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
5.1	7 enforcing a specific political system	<p>“As for its military value to the Nigerian government, that is because there is a coalition [of forces] in it with the states of Cameroon, Chad, and Niger, together with Nigeria, against our project of establishing the sharī’a, and it is a coalition designed to take control of Lake Chad, which is considered as one of the most important economic resources in the region As for its importance to us, this is because [control of] it removes that military presence from the lands of the Islamic state, and hence establishes the sharī’a of Allah in the region, and attains safety and security in it for the Muslims. It is known that those military complexes, if they are in a place, they corrupt it and injustice rules over it, so we, by Allah’s grace alone, have managed to conquer this city and add it to the cities of the Islamic state in Africa. ‘The earth is Allah’s and He gives it to whomever of His servants He pleases; and for the righteous is the happy end.’ (Q7:128)“ (Interview with Abu Mus’ab al-Barnawi, Leader of ISWAP of 27 January 2015, in Kassim / Nwankpa, The Boko Haram Reader, 2018, Chapter 53, p. 369)</p> <p>“Just like that they appropriate their property; they also find and kill little children. In some cases, they will find the yam-sellers in the towns and detonate bombs amongst them. We are not bothered by the yam-sellers. Rather, we are bothered with killing the ṭāghūt (Unbelievers) for now. When we finish with the ṭāghūt, the yam-sellers will even fetch water for you. O Shekau! You don’t</p>

		<p>have to kill them. Likewise, look at the way they are planting explosives and bombing the people even in the mosques! Look at the churches [as targets]! Look at the [military] barracks! This is a waste of Allah’s property because we are not the ones who bought those explosives with our money. That is Allah’s property, and he will ask us how it was utilized. Allah will ask you because we have disassociated ourselves from your actions, unless you repent (...). you are indeed the rebel, because you refuse to follow the instruction of your leaders in Iraq [ISIS]. (...) We are together with the caliphal state. We are not together with the unjust state, the state of killing, or the state that does whatever it wishes. We are together with the caliphal state. We are together with our leader, Abu Bakr al-Baghdadi, the successor of Allah’s Messenger. We are together with him.” (Letter of Mamman Nur, Leader of ISWAP, to Abubakar Shekau, Leader of Boko Haram, 4 August 2016, in Kassim / Nwankpa, The Boko Haram Reader, 2018, Chapter 72, p. 445)</p>
5.2	6 defence against ideology	<p>“For example, Cameroon attacked us and so we attacked them. We would also tell Niger and Chad to stop standing against us, and we will not attack you. Otherwise as you fight us we will fight you, and we will wage a war against you of which you have already tasted its bitterness. So, withdraw your troops before you regret it when there is no chance for regret.” (Interview with Abu Mus’ab al-Barnawi, Leader of ISWAP, 27 January 2015, in Kassim / Nwankpa, The Boko Haram Reader, 2018, Chapter 53, p. 369)</p> <p>“Have you forgotten that when we were in Yerwa, Mallam Muhammad Yusuf delivered a lecture and an open letter the same way this lecture is an open letter to you? Is it not so? In the open letter, he sent to the [Nigerian] president of that era, he said: “If you prevent us from practicing the religion, we will emigrate to a place we can practice our religion, but if there is no such place, we shall fight against you.” (Letter of Mamman Nur, Leader of ISWAP, to Abubakar Shekau, Leader of Boko Haram, 4 August 2016, in Kassim / Nwankpa, The Boko Haram Reader, 2018, Chapter 72, p. 445)</p>

	Code	Material
6. UNSC Reaction	2 disapproves	<p>Security Council Resolution S/RES/2349, 21 March 2017: “The Security Council strongly condemns all terrorist attacks, violations of international humanitarian law and abuses of human rights by Boko Haram and ISIL in the Region, including those involving killings and other violence against civilians (...) “</p> <p>Security Council, Press Release, SC/14118, 23 February 2020: “The ISIL (Da'esh) and Al-Qaida Sanctions Committee makes accessible a narrative summary of reasons for the listing for individuals, groups, undertakings and entities included in the ISIL (Da'esh) and Al-Qaida Sanctions List. (...) Islamic State West Africa Province (ISWAP) was listed on 23 February 2020 pursuant to paragraphs 2 and 4 of resolution 2368 (2017) as being associated with ISIL or Al-Qaida for ‘participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of’, ‘supplying, selling or transferring arms and related materiel to’, ‘recruiting for’, ‘otherwise supporting acts or activities of’, ‘either owned or controlled, directly or indirectly, by, or otherwise supporting’, and ‘other acts or activities indicating association with’ Islamic State in Iraq and the Levant (ISIL), listed as Al-Qaida in Iraq (QDe.115).”</p>
7. UNGA Reaction	4 no reaction	

<p>8. ICJ Reaction</p>	<p>4 no reaction</p>	
<p>9. State Reaction</p>	<p>2 disapproves</p>	<p>United States: “Boko Haram and the Islamic State in Iraq and the Sham (ISIS) are clear and present threats to international peace and security. (...) There is no question that Boko Haram and ISIS must be destroyed (...)” (Representative of the United States, S/PV.8047, 13 November 2017)</p> <p>“But the terror of Boko Haram and its offshoot Islamic State in Iraq and the Sham (ISIS)-West Africa continues to devastate communities, families and lives throughout the region. Their brutality, hatred and inhumanity will spread terror, prolong the humanitarian crisis and displace millions until they are destroyed.” (Representative of the United States, S/PV.8212, 22 March 2018)</p> <p>Poland: “We firmly condemn all terrorist attacks, violations of international humanitarian law and human rights abuses by Boko Haram and the Islamic State in Iraq and the Sham in the region, including those involving killings and other violence against civilians, especially women and children.” (Representative of Poland, S/PV.8212, 22 March 2018)</p> <p>Peru: “Peru continues to be particularly concerned about the crisis in the Lake Chad basin, which affects more than 17 million people in Nigeria, Cameroon, Chad and the Niger. Approximately 11 million people are in urgent need of humanitarian assistance. We must also condemn and confront the terrorist violence of Boko Haram and Da’esh, and prevent the occurrence of major conflicts by addressing their root causes.” (Representative of Peru, S/PV.8212, 22 March 2018)</p> <p>Nigeria: “We should, under no circumstance, let the terrorists divide us by turning Christians against Muslims because these barbaric killers don't represent Islam and millions of other law-abiding Muslims around the world” (President of Nigeria, Muhammadu Buhari in: "Islamic State in Nigeria 'beheads Christian hostages'", BBC, 27.12.2019, https://www.bbc.com/news/world-africa-50924266, (accessed on 12 August 2022))</p>

79. Libya et al. vs. Islamic State 2016

Key data

Duration: 2016 (as conflict year) (ISIS in Libya was formed in October 2014 and military action lasted until 2018; Parties: Libya, United States vs. Islamic State; Initiator: Islamic State.

620 Libya (Government of National Accord)

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### Libya did not raise any international justificatory arguments. Compared to the other parties to the conflict, Libya acted only within its own country, which is why its actions do not have any points of contact with international law or cannot be classified as potentially contrary to international law. Therefore, there is no need for a justification on the international level. ###</p> <p>### Note: a controversy over the legitimacy of the Libyan government (Government of National Accord) existed in Libya during the conflict (see conflict substance). When examining actions taken by</p>

						<p><i>Libya, it is referred to the Government of National Accord (GNA), as this is the international recognized government, which was established with UN support. ###</i></p> <p>“We will work for a ceasefire across Libya, for national reconciliation and the return of displaced people, and we will seek to confront Islamic State,’ he Fayeze al-Sarraj, Prime Minister of the Government of National Accord] said.” (“Chief of Libya’s new UN-backed government arrives in Tripoli”, The Guardian, 31.03.2016, https://www.theguardian.com/world/2016/mar/30/chief-libyas-un-backed-government-fayeze-sarraj-arrives-tripoli (accessed on 17 October 2022))</p> <p>“The first air strikes were carried out at specific locations in Sirte today causing severe losses to enemy ranks,” Prime Minister Fayeze Seraj said on state TV. (...) Seraj said the Presidential Council of his Government of National Accord, or GNA, had decided to ‘activate’ its participation in the international coalition against Islamic State and ‘request the United States to carry out targeted air strikes on Daesh (Islamic State).’”</p> <p>(“US warplanes launch bombing campaign on Islamic State targets in Libya after official request”, ABC News, 01.08.2016, https://www.abc.net.au/news/2016-08-02/us-warplanes-launch-bombing-campaign-on-islamic-state-in-libya/7680790 (accessed on 17 October 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	1 Source	Material
0	0	

Code	Material
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5. Legitimacy Claim	0	
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	Code	Material
6. UNSC Reaction	1 approves	<p>### In its resolutions until December 2015, the UNSC referred to national instability in Libya, and urged the rapid formation of a Government of National Accord in Libya. Also, in its resolutions, the UNSC has condemned actions by ISIL. However, the Security Council has not referred to potential legal claims and actions by Libya in the fight against IS, as these were not brought forward (see above). ###</p> <p>UNSC Res 2238, 10 September 2015: <i>Recognizing</i> the need for assistance planning for a Government of National Accord and security arrangements, 1. <i>Calls for</i> an immediate and unconditional ceasefire, underscores that there can be no military solution to the ongoing political crisis (...) 2. <i>Calls for</i> the immediate formation of a Government of National Accord, and agreement on interim security arrangements necessary for stabilising Libya through the UN-facilitated Libyan Political Dialogue;</p> <p>### In December 2015, the UNSC expressed positive views on the development in Libya, recognized the GNA as the legitimate government of Libya, and urged Member States to assist the GNA in defeating ISIL upon the request of the new government. Therefore, the UNSC Reaction in regard to actions taken by Libya approving. <i>(For further resolutions, see: 6. UNSC Reaction- Elaboration for ISIL.) ###</i></p> <p>UNSC Res 2259, 23 December 2015 [unanimously]: 1. <i>Welcomes</i> the signature on 17 December 2015 of the Libyan Political Agreement of Skhirat, Morocco to form a Government of National Accord consisting of the Presidency Council and Cabinet supported by the other institutions of state including the House of Representatives and State Council</p> <p>3. <i>Endorses</i> the Rome Communiqué of 13 December 2015 to support the Government of National Accord as the sole legitimate government of Libya</p> <p>12. <i>Urges Member States to swiftly assist the Government of National Accord in responding to threats to Libyan security and to actively support the new government in defeating ISIL</i>, groups that have pledged allegiance to ISIL, Ansar Al Sharia, and all other individuals, groups, undertakings and entities associated with Al-Qaida operating in Libya, upon its request;</p> <p>UNSC Res 2278, 31 March 2016:</p>

		<p>8. <i>Urges</i> Member States to assist the Government of National Accord, upon its request, by providing it with the necessary security and capacity-building assistance, in response to threats to Libyan security and in defeating ISIL, groups that have pledged allegiance to ISIL, Ansar Al Sharia, and other groups associated with Al-Qaida operating in Libya</p> <p>UNSC Res 2292, 14 June 2016: <i>Affirming</i> that the GNA [Government of National Accord of Libya] may submit exemption requests under paragraph 8 of resolution 2174 (2014) for the supply, sale or transfer of arms and related materiel, including related ammunition and spare parts, for use by the national security forces under its control to, inter alia, combat ISIL (the Islamic State in Iraq and the Levant, also known as Da'esh), groups that have pledged allegiance to ISIL, Ansar Al Sharia, and other groups associated with Al-Qaida operating in Libya</p> <p>UNSC Res 2362, 29 June 2017 and UNSC Res 2441, 5 November 2018 [<i>wording of para. 8 is identical</i>]: 8. <i>Urges</i> Member States to assist the Government of National Accord, upon its request, by providing it with the necessary security and capacity-building assistance, in response to threats to Libyan security and in defeating ISIL, groups that have pledged allegiance to ISIL, Ansar Al Sharia, and other groups associated with Al-Qaida operating in Libya;</p>
7. UNGA Reaction	4 no reaction	<p>### <i>The General Assembly condemned terrorist acts and violence committed by ISIL in several resolutions (e.g. UNGA Res 69/189, 18 December 2014). However, these resolutions did only refer to the situation in Syria and not to Libya. Therefore, not reaction by the UNGA regarding the conflict in Libya is given.</i> ###</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	1 approves	<p>###<i>The State reaction in regard to Libya is approving.</i> ###</p> <p>Algeria, China, Egypt, France, Germany, Italy, Jordan, Morocco, Russia, Qatar, Saudi Arabia, Spain, Tunisia, Turkey, the United Arab Emirates, the United Kingdom, the United States, the European Union, the United Nations, the League of Arab States, the African Union: ### <i>These States supported the Libya Political Agreement, and recognized the GNA as the sole legitimate government of Libya. Furthermore, the States expressed their support to Libya in the fight against ISIL. Therefore, their reaction is approving.</i> ###</p> <p>"A Government of National Accord is essential to address, in partnership with the international community, the country's critical humanitarian, economic, and security challenges, including ISIL (...) We express our determination, working together with the Government of National Accord, to defeat ISIL affiliates in Libya and eliminate the threat they pose to Libyan and international security. We reiterate our full support for the implementation of UNSCR 2213 and other relevant Resolutions to address threats to Libya's peace, security, and stability. We fully recognize and support the Libya Political Agreement and the institutions validated by it, and pledge our support for a Government of National Accord as the sole legitimate government of Libya. We will cease official contacts with individuals claiming to be part of institutions which are not validated by the Libya Political Agreement."</p>

	<p>(Joint Communique of the Ministerial Meeting for Libya, 12 December 2015, Rome Italy, https://www.mfa.gov.tr/joint-communique-of-the-ministerial-meeting-for-libya_-13-december-2015_-rome_-italy.en.mfa (accessed on 17 October 2022))</p> <p>Japan: <i>### Japan approves the fighting against ISIL. ###</i> “1. Japan congratulates the successful towards liberation of Sirte from ISIL as a significant step in combatting terrorism and stability in Libya. 2. Japan hopes that efforts of all stakeholders involved in the continuing political dialogue process through the United Nations’ support will lead to national reconciliation and the legitimate establishment of the Government of National Accord so that they can achieve the stability for all Libyan people.” (Ministry of Foreign Affairs of Japan, The liberation of Sirte from ISIL in Libya, Statement by Foreign Press Secretary Yashusisa Kawamura, 22.12.2016, https://www.mofa.go.jp/press/release/press4e_001424.html (accessed on 17 October 2022))</p> <p>United States, France, Germany, Italy, Spain, United Kingdom: <i>### These States recognized the GNA as the legitimate government of Libya. ###</i> “The Governments of France, Germany, Italy, Spain, the United Kingdom, and the United States welcome the statement of the Presidency Council (PC) of 24 August 2016 and the announcement of its intention to submit a revised list of Government of National Accord (GNA) Ministers to the House of Representatives (HoR). They emphasised the unanimous adoption of UN Security Council Resolution (UNSCR) 2259 which endorses the Rome Communiqué of 13 December 2015 and the Libya Political Agreement to support the GNA as the sole legitimate government of Libya and reject official contact with parallel institutions that claim to be the legitimate authority but are outside the Libya Political Agreement.” (German Federal Foreign Office (Auswärtiges Amt), 25.08.2016, Press Release Joint Statement on Libya, https://www.auswaertiges-amt.de/en/newsroom/news/160825-lby/282906 (accessed on 17 October 2022))</p> <p>Algeria, Canada, Chad, China, Egypt, France, Germany, Jordan, Italy, Malta, Morocco, Niger, Qatar, Russia, Saudi Arabia, Spain, Sudan, Tunisia, Turkey, the United Arab Emirates, the United Kingdom, the United States, the European Union, United Nations, the League of Arab States, and the African Union: “We also welcome the efforts against terrorist groups as listed by the UN in other parts of Libya, including Benghazi, and commit to collectively pursue those efforts. (...) We reiterate our support for the Libyan Political Agreement (LPA) of Skhirat, Morocco signed on December 17, 2015 and its fulfillment, and for the Government of National Accord (GNA) as the sole legitimate government of Libya, as endorsed in UN Security Council Resolutions 2259 and 2278.” (Joint Communique on Libya, 22.09.2016, retrieved at: US Department of State, Press Release, 22.09.2019, https://2009-2017.state.gov/r/pa/prs/ps/2016/09/262285.htm (accessed on 17 October 2022))</p> <p>African Union, European Union:</p>
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		<p>“On Libya, the AU PSC and EU PSC reconfirmed their support to the UN led process and the Libyan Political Agreement reached by the UN Secretary General Special Representative Bernardino Leon.”</p> <p>(Joint Communiqué, 16 October 2016, AU PSC/EU PSC, “8th Annual Joint Consultative Meeting of the Peace and Security Council for the African Union and the Political and Security Committee of the European Union”, Demre Zeit, Ethiopia, https://africa-eu-partnership.org/sites/default/files/joint_communique_final-and-conclusions-en_1.pdf (accessed on 17 October 2022))</p>
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2 United States of America

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
3 invitation	4 no spec.	2 No	2 No	2 No	2 No	2 No	<p>### As of August 2016, the United States are claiming to act at the request of the Libyan Government of National Accord. The Government of National Accord was formed as part of a UN-agreement and is internationally recognized on 17 December 2015. ###</p> <p>### Request by the Government of National Accord: “‘The first air strikes were carried out at specific locations in Sirte today causing severe losses to enemy ranks,’ Prime Minister Fayez Seraj said on state TV. [...] Seraj said the Presidential Council of his Government of National Accord, or GNA, had decided to ‘activate’ its participation in the international coalition against Islamic State and ‘request the United States to carry out targeted air strikes on Daesh (Islamic State).’”</p> <p>(“US warplanes launch bombing campaign on Islamic State targets in Libya after official request”, ABC News, 01.08.2016, https://www.abc.net.au/news/2016-08-02/us-warplanes-launch-bombing-campaign-on-islamic-state-in-libya/7680790 (accessed on 17 October 2022))</p>

						<p>### Response by the United States:</p> <p>“Today at the request of Libya’s government of National Accord, the United States conducted precision airstrikes against ISIL targets in Sirte, Libya, to support GNA-affiliated forces seeking to defeat ISIL in its primary stronghold in Libya.</p> <p>These strikes were authorized by the President, following a recommendation from Secretary Carter und Chairman Dunford. They are consistent with our approach of combating ISIL by working with capable and motivated local partners. [...] U.S. strikes will continue to target (ISIS) in Sirte in order to enable the GNA to make a decisive, strategic advance.”</p> <p>(Statement by Peter Cook, Pentagon spokesman)</p> <p>(United States, "US Begins New Airstrikes Campaign Against ISIS Targets in Libya", NBC News, 01.08.2016, [Video and transcript], https://www.nbcnews.com/storyline/isis-terror/u-s-begins-new-airstrike-campaign-against-isis-targets-libya-n620906 (accessed on 17 October 2022))</p> <p>“we support a Government of National Accord in Libya and we are supporting this government, and we are working with them to help them to be able to respond to the terrorist threat that is posed by ISIL, by Daesh. [...] And right now, the government is requesting assistance in certain ways, but as Paolo said, we’re not talking about troops and boots and that kind of intervention. [...] we’re working with our partners to determine the best way forward to help Libya to be able to deal with that threat and – but also let me make clear, President Obama has already acted and will act whenever he deems it necessary to defend United States national security interests. And since Daesh plots against us and others, those interests are real. But there’s been no request otherwise at this point in time for some other kind of intervention. We’re simply in a mode of trying to help and assist and develop a Libyan capacity to be able to respond to the challenge of security within Libya.”</p> <p>(United States, Department of State, Remarks at the Libya Ministerial by John Kerry, Secretary of State, 16 May 2016, https://2009-2017.state.gov/secretary/remarks/2016/05/257266.htm (accessed on 17 October 2022))</p> <p>“The good news is, is that we now have the beginnings of a government in the Government of National Accord. [...] And at the request of that government, after they had already made significant progress against ISIL and had essentially pushed ISIL into a very confined area in and around Sirte, it is in America’s national security interest in our fight against ISIL to make sure that they’re able to finish the job. And so we’re working in partnership with them to assure that ISIL does not get a stronghold in Libya, even as Libya begins what is going to be a long process to establish a functioning government and security system there.”</p> <p>(The White House, President Barack Obama, Office of the Press Secretary, Remarks by the President Obama and Prime Minister Lee of Singapore in Joint Press Conference, 02.08.2016</p>
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						<p>https://obamawhitehouse.archives.gov/the-press-office/2016/08/02/remarks-president-obama-and-prime-minister-lee-singapore-joint-press (accessed on 17 October 2022))</p> <p>“President Obama approved the strikes last week after Libya’s fragile United Nations-backed unity government asked for help in its fight against the Islamic State, administration officials said. The strikes, which American officials have forecast for months, are intended to help break an impasse between Libyan militias and the Islamic State fighters they have cornered in a grinding urban battle in Surt’s downtown.”</p> <p>("US Conducts Airstrikes Against ISIS in Libya", The New York Times, 01.08.2016, https://www.nytimes.com/2016/08/02/us/politics/us-conducts-airstrikes-against-isis-in-libya.html (accessed on 16 October 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	4 defence against terrorism	<p>2014: ### When undertaking an airstrike in Libya on 13th November 2014 against an ISIL leader in Libya, the US stated that “the operation was authorized”, but it did not bring forward a specific legal justification, and merely stressed that this ‘demonstrates that we will go after ISIL leaders’. ###</p> <p>“On November 13, the U.S. military conducted an airstrike in Libya against Abu Nabil, aka Wissam Najm Abd Zayd al Zubaydi, an Iraqi national who was a longtime al Qaeda operative and the senior ISIL leader in Libya. [...]</p>

	<p>Nabil's death will degrade ISIL's ability to meet the group's objectives in Libya, including recruiting new ISIL members, establishing bases in Libya, and planning external attacks on the United States. [...]</p> <p>While not the first U.S. strike against terrorists in Libya, this is the first U.S. strike against an ISIL leader in Libya and it demonstrates we will go after ISIL leaders wherever they operate.</p> <p>This operation was authorized and initiated prior to the terrorist attack in Paris.”</p> <p>(US Department of Defence, Statement from Pentagon Press Secretary Peter Cook on US strike in Libya, 14.11.2015, https://www.defense.gov/News/Releases/Release/Article/628954/statement-from-pentagon-press-secretary-peter-cook-on-us-strike-in-libya/ (accessed on 17 October 2022))</p> <p>2016:</p> <p><i>### The United States claimed to be carrying out strikes in Libya in order to fight the IS and to protect national security interests. Therefore, the US can be said to bring forward the claim of self-defence. ###</i></p> <p>“Peter Cook, the Pentagon press secretary, said the legal authorization for the Surt strikes — like the legal authorization for strikes against other militant Islamic groups like the Shabab in East Africa — came from the Authorization for Use of Military Force against the perpetrators of the Sept. 11, 2001, terrorist attacks enacted by Congress.”</p> <p>(“US Conducts Airstrikes Against ISIS in Libya”, The New York Times, 01.08.2016, https://www.nytimes.com/2016/08/02/us/politics/us-conducts-airstrikes-against-isis-in-libya.html (accessed on 16 October 2022))</p> <p>“Calling the strikes necessary to protect American national security interests, the president [Barack Obama] promised that the air campaign would continue as long as necessary to make sure that the extremist group “does not get a stronghold in Libya.” He also linked instability in Libya to the migration crisis in Europe.”</p> <p>(“US Strikes Help Libyan Forces Against ISIS in Surt”, The New York Times 02.08.2016, https://www.nytimes.com/2016/08/03/us/politics/drone-airstrikes-libya-isis.html (accessed on 16 October 2022))</p> <p>“‘We need to strike ISIL everywhere they show up,’ Ashton B. Carter, the departing defense secretary, told reporters. ‘We know that some of the ISIL operatives in Libya were involved in plotting attacks in Europe.’”</p> <p>(“US Bombs ISIS Camps in Libya”, The New York Times, 19.01.2017, https://www.nytimes.com/2017/01/19/us/politics/united-states-bombs-isis-camps-in-libya.html (accessed on 16 October 2022))</p> <p>“Gen. Thomas D. Waldhauser, head of the Pentagon’s Africa Command, told a Senate panel this month that after their expulsion from Surt, many militants from the Islamic State, also known as ISIS or ISIL, were moving to southern Libya.</p> <p>‘The instability in Libya and North Africa may be the most significant near-term threat to U.S. and allies’ interests on the continent,’ General Waldhauser said. ‘Even with the success of Surt, ISIS-Libya remains a regional threat with intent to target U.S. persons and interests.’” (“Warnings of ‘Powder Keg’ in Libya as ISIS Regroups”, The New York Times, 21.03.2017, https://www.nytimes.com/2017/03/21/world/africa/libya-isis.html (accessed on 20 November 2022))</p>
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	Code	Material
6. UNSC Reaction	1 approves	<p>### The UNSC urged member States to support this government in their fight against ISIL “upon its request” in several resolutions. Thereby, the UNSC did not explicitly refer to the actions taken by the United States under the claim of “Intervention by Invitation”, but it did at least refer to the GNA’s ability to issue an invitation. This can be seen as an unclear reaction by the UNSC regarding the US’ actions. ###</p> <p>### the following wording can be found in 4 resolutions issued by the UNSC: ### UNSC Res 2259, 23 December 2015 (para, 12) UNSC Res 2278, 31 March 2016 (para. 8) UNSC Res 2362, 29 June 2017 (para. 8) UNSC Res 2441, 5 November 2018 (para. 8):</p> <p>“Urges Member States to swiftly assist the Government of National Accord in responding to threats to Libyan security and to actively support the new government in defeating ISIL, groups that have pledged allegiance to ISIL, Ansar Al Sharia, and all other individuals, groups, undertakings and entities associated with Al Qaida operating in Libya, upon its request;”</p>
7. UNGA Reaction	4 no reaction	<i>see Libya 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	<p>### No reaction by States regarding the actions taken by the United States in Libya can be found. State reaction does only refer to the conflict in general and to the support of the GNA (see Libya 9). ###</p> <p>“Little has been said regarding the airstrike [by the United States in Libya] by states or legal commentators, though this is understandable in a period where the world is coming to terms with the devastating terrorist attacks in Paris, Mali, Nigeria, Tunisia and Egypt.” (EJIL (Blog of European Journal of International Law), “The Use of Force against ISIL in Libya and the Sounds of Silence”, 06.01.2016, by Jake Rylatt (Lauterpacht Centre for International Law, University of Cambridge), retrieved at https://www.ejiltalk.org/the-use-of-force-against-isil-in-libya-and-the-sounds-of-silence/ (accessed on 17 October 2022))</p>

Islamic State in Iraq and the Levant – Libya

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### The Islamic State was initially linked to Al-Qaeda and aims to establish a political, legal and judicial system based on a radical interpretation and application of the sharia. This goal cannot be classified as a legal claim. Thus, the Islamic State does not raise any justificatory or legitimacy claims ###</p> <p>“The so-called ‘Islamic State’ is a terrorist group that proclaimed itself as a ‘world caliphate’ on 29 June 2014. Initially linked to ‘Al-Qaeda in the Arabic Peninsula’ (AQAP), the Islamic State (IS) was previously know as the ‘Islamic State of Iraq’ (ISI, from 2006 to 2013), and later the ‘Islamic State of Iraq and the Levant’ or the ‘Islamic State of Iraq and Syria’ (ISIL or ISIS, from 2013). The acronyms IS, ISIL, ISIS, or ‘Da’esh’ (derived from Arabic) are used interchangeably, albeit UN official documents generally refer to ‘ISIL’.</p> <p>It is generally considered that ISIL was created by armed opponents to the Iraqi Government installed in the aftermath of the 2003 US-led intervention in Iraq. Originally, its members essentially opposed the Baghdad authorities, which were accused of providing Iraq’s Shia majority with disproportionate benefits and of oppressing the Sunni minority with the support of foreign powers. However, ISIL quickly expressed broader ambitions; from 2013 onwards, it claimed exclusive political and theological authority over the world’s Muslims and succeeded in attracting many fighters from foreign countries, mainly from the Arab World, western Europa, Russia (particularly Chechnya), and North Africa. Some sources also suggest that ISIL has been supported by – or from – other states like Saudi Arabia or Turkey, either financially or even through the provision of arms. (...) This self-proclaimed ‘Islamic State’ thus managed to control a vast amount of territory, in which it installed a de facto government, and elaborated a domestic political, legal, and judicial system based on a particularly radical interpretation and application of the sharia.” (Olivier Corten, The Military Operations Against the ‘Islamic State’ (ISIL or Da’esh)—2014, in: Ruys, Corton, The Use of Force in International Law, A Case-Based Approach, 2018, p. 873f.)</p>

Letter sent in accordance with Art. 51 UNCh	0 – not applicable
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	2 disapproves	<p>### <i>The Islamic State in Iraq and the Levant – Libya</i> was included in the Security ISIL (Da'esh) and Al-Qaeda Sanctions List on 4 March 2020. Reasons for the listing are the following: ###</p> <p>“The Islamic State in Iraq and the Levant – Libya was listed on 4 March 2020 pursuant to paragraphs 2 and 4 of resolution 2368 (2017) as being associated with ISIL for ‘participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of Al-Qaida, ISIL, or any cell, affiliate, splinter group or derivative thereof’. The Islamic State in Iraq and the Levant – Libya has also been found to have participated in ‘supplying, selling or transferring arms and related materiel’, and in ‘recruiting for’ and otherwise supporting acts or activities of ISIL, listed as Al-Qaida in Iraq (QDe.115).”</p> <p>(UNSC, “Islamic State in Iraq and the Levant – Libya”, retrieved at https://www.un.org/securitycouncil/content/islamic-state-iraq-and-levant-libya (accessed on 17 October 2022))</p>

	<p>### <i>The UNSC condemned attacks and actions taken by ISIL in Libya.</i> ###</p> <p>UNSC Res 2213, 27 March 2015: <i>Gravely concerned at the growing trend of terrorist groups in Libya to proclaim allegiance to Islamic State in Iraq and the Levant (ISIL)</i> (also known as Da'esh) and the continued presence of other Al-Qaida-linked terrorist groups and individuals operating there, [referring to Libya] (...)</p> <p>UNSC Res 2214, 27 March 2015: 1. Condemns all terrorist acts committed by ISIL, groups that pledged allegiance to ISIL, Ansar Al Charia, and all other individuals, groups, undertakings and entities associated with Al-Qaida operating in Libya, and emphasizes in this regard the need for a comprehensive approach to fully combat them 3. Urges Member States to combat by all means, in accordance with the Charter of the United Nations and International Law, threats to international peace and security caused by terrorist acts, including those committed by ISIL, groups that pledged allegiance to ISIL, Ansar Al Charia, and all other individuals, groups, undertakings and entities associated with Al-Qaida operating in Libya in coordination with the Government of Libya</p> <p>UNSC Res 2238, 10 September 2015: <i>Reiterating grave concern at the growing trend of terrorist groups in Libya proclaiming allegiance to Islamic State in Iraq and the Levant (ISIL)</i> (also known as Da'esh) and the continued presence of other Al-Qaida-linked terrorist groups and individuals operating there,</p> <p>UNSC Res 2259, 23 December 2015: <i>Recalling</i> resolution 2214 (2015) and condemning the terrorist acts being committed in Libya by groups proclaiming allegiance to Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) including those committed by individuals, groups, undertakings and entities designated as associated with ISIL or Al-Qaida by the 1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee (the Committee) (...) 12. Urges Member States to swiftly assist the Government of National Accord in responding to threats to Libyan security and to actively support the new government in defeating ISIL, groups that have pledged allegiance to ISIL, Ansar Al Sharia, and all other individuals, groups, undertakings and entities associated with Al-Qaida operating in Libya, upon its request;</p> <p>UNSC Res 2368, 20 July 2017: <i>reiterating its unequivocal condemnation of the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh)</i>, Al-Qaida, and associated individuals, groups, undertakings, and entities for ongoing and multiple criminal terrorist acts aimed at causing the deaths of innocent civilians and other victims, destruction of property, and greatly undermining stability,</p>
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		(...)(ii) the global threat posed by ISIL , Al-Qaida, al-Nusra Front and associated individuals, groups, undertakings, and entities, including (but not limited to) the threat posed by the presence of ISIL and its affiliates in Iraq , the Syrian Arab Republic, <u>Libya</u> , and Afghanistan and beyond, and the threats presented by Boko Haram;
7. UNGA Reaction	4 no reaction	<i>see Libya 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	2 disapproves	<p>### <i>Several States condemned the Islamic State in Libya. Some States categorize the IS as a terrorist organization. ###</i></p> <p>### <i>Note: some State (e.g. Iraq) react to actions taken by ISIL in Syria, without explicitly reacting to actions taken by ISIL in Libya. These reactions are not included in the Case Note, as conflict U 13694 only concerns Libya. ###</i></p> <p>European Union: ### <i>The European Union condemns and disapproves the Islamic State. ###</i> <i>“In view of the threat posed by ISIL (Da'esh) and Al-Qaeda, the Council should be able to impose targeted restrictive measures on any individual regardless of nationality or citizenship, or on any entity responsible for terrorist actions on behalf or in support of ISIL (Da'esh) and Al-Qaeda, in accordance with the criteria set out in this Decision.”</i> (European Council, Decision 2016/1693, 20 September 2016, Official Journal of the European Union, L/255/25)</p> <p>United States: ### <i>The United States categorize the Islamic State as a terrorist organization. ###</i> <i>“Now let’s make two things clear: ISIL is not ‘Islamic.’ No religion condones the killing of innocents. And the vast majority of ISIL’s victims have been Muslim. And ISIL is certainly not a state. It was formerly al Qaeda’s affiliate in Iraq, and has taken advantage of sectarian strife and Syria’s civil war to gain territory on both sides of the Iraq-Syrian border. It is recognized by no government, nor by the people it subjugates. ISIL is a terrorist organization, pure and simple. And it has no vision other than the slaughter of all who stand in its way.”</i> (The White House, Statement by the President on ISIL, 10.09.2014, by Barack Obama, https://obamawhitehouse.archives.gov/the-press-office/2014/09/10/Statement-president-isil-1 (accessed on 17 October 2022))</p> <p>Canada: ### <i>Canada categorizes the Islamic State in Libya as a terrorist organization as of 03rd February 2021.. For listing see: ###</i> <i>“Islamic State in Libya (IS-Libya) is a violent extremist group, formed by Libyan foreign fighters, who had fought as part of the Daesh-affiliated Battar Brigade, and returned to Libya from Syria. The group follows an extreme interpretation of Islam that is anti-Western and promotes sectarian violence. IS-Libya aims to remove the United Nations-backed transitional Government of National Accord in Libya.”</i> (Government of Canada, Listed Terrorist Entities, Islamic State in Libya 03.02.2021, https://www.publicsafety.gc.ca/cnt/ntnl-scrnt/cntr-trrrsm/lstd-ntts/crrnt-lstd-ntts-en.aspx#380 (accessed on 17 October 2022))</p>

		<p>Australia: <i>### Australia categorizes the Islamic State as a terrorist organization. For listing see: ###</i> “Despite now not controlling territory in Iraq or Syria, the group [Islamic State] continues to operate in parts of both countries as a terrorist group, and retains the allegiance of like-minded groups elsewhere in the world, including IS-Libya, IS-Sinai, IS-Khorasan Province, IS-East Asia, ISIL-Somalia, Boko Haram and the Abu Sayyaf Group, which are all listed terrorist organisations in Australia under the Criminal Code.” (Australian Government, Australian National Security, “Islamic State” https://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/IslamicState.aspx (accessed on 17 October 2022))</p> <p>Egypt: <i>### Egypt considers ISIL to be a threat, and Egypt itself has carried out military strikes against IS in Libya. ###</i> “We focused on addressing ISIL because it is the gravest threat currently confronting our region [referring inter alia to Libya before]. (...) Those and similar organizations need to be confronted — in fact, they have been: in Libya, for example. That is important, as they are a threat to international peace and security.” (Egypt, S/PV.7271, 19.09.2014, p. 29)</p> <p>“States wishing to assist the legitimate Libyan Government in confronting terrorism and imposing security should be allowed to do so in the light of the severe difficulties the legitimate Government faces in that regard, with the condition that such assistance be provided in coordination with the Libyan Government and with its approval. Egypt has decided to respond to the requests and needs of the Government of Libya and has provided military assistance. We will not hesitate to confront the terrorist threat that challenges our region with its ugliest face. This despicable organization is seeking to spread terror throughout the Arab and Islamic world — from Iraq to Syria to Libya and through them to the heart of Europe, which is the closest continent to our region and the most susceptible to the threat that this and similar organizations pose.” (Egypt, S/PV.7387, 18.02.2015)</p> <p>United Arab Emirates: <i>### The United Arab Emirates disapprove the Islamic State in a meeting in the UNSC by stating that it constitutes a threat to Libya. ###</i> “The threat of terrorism is not limited to this particular terrorist organization [referring to the Islamic State]. It extends to the ongoing conflicts in Yemen, Afghanistan, Lebanon, Somalia, Egypt, Libya, North Africa and the Sahel region of Africa.” (United Arab Emirates, S/PV.7271, 19.09.2014, p. 29)</p> <p>“ISIL has been labelled a terrorist organization by the UN as well as by numerous organizations and states.” (Olivier Corten, <i>The Military Operations Against the ‘Islamic State’ (ISIL or Da’esh)</i>—2014, in: Ruys, Corton, <i>The Use of Force in International Law, A Case-Based Approach</i>, 2018, p. 874)</p>
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	<p>### ISIS has never been recognized as a 'State' by another State: see e.g., positions expressed by several States during the debates within the Security Council: ###</p> <p>UNSC Verbatim Records (19 September 2014) S/PV.7271 UNSC Verbatim Records (24 September 2014) S/PV.7272</p> <p>"[...] And ISIL is certainly not a state. It was formerly al Qaeda's affiliate in Iraq, and has taken advantage of sectarian strife and Syria's civil war to gain territory on both sides of the Iraq-Syrian border. It is recognized by no government, nor by the people it subjugates. ISIL is a terrorist organization, pure and simple. And it has no vision other than the slaughter of all who stand in its way."</p> <p>(The White House, Statement by the President on ISIL, 10.09.2014, by Barack Obama, https://obamawhitehouse.archives.gov/the-press-office/2014/09/10/Statement-president-isil-1_(accessed on 17 October 2022))</p>
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80. Libya vs. Forces of the House of Representatives 2019

Key data

Duration: 2019; Parties: Government of Libya (Government of National Accord) vs. Forces of the House of Representatives, Sudan, United Arab Emirates; Initiator: Forces of the House of Representatives.

620 Government of Libya (Government of National Accord)

	Code
Law invoked?	2 No

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	### The Government of National Accord is fighting the forces General Haftar, who is commander of the Forces of the House of Representatives. The Libyan Prime Minister Fayez al-Serraj is accusing Haftar of launching a coup on Tripoli. However, no justificatory claim is brought forward by the government of Libya. Rather, actions taken by Libya do not have any points of contact with international law, as Libya is only fighting within its own territory. ###

						<p>“Prime Minister Fayeze al-Serraj of the UN-backed Government of National Accord (GNA) has vowed to defend Tripoli, accusing Mr Haftar - who is popular in the city of Benghazi for his role in driving out Islamists - of launching a coup.” ("Khalifa Haftar: The Libyan general with big ambitions", BBC, 08.04.2019, https://www.bbc.com/news/world-africa-27492354 (accessed on 20 November 2022))</p> <p>“Libya’s internationally-backed government is deploying forces in and around the capital, Tripoli, after renegade General Khalifa Haftar on Thursday ordered his eastern military forces to advance on the city, sparking fears of a major showdown with rival militias. (...) Interior Minister Fathi Bashagha told Al Jazeera that Haftar is making his move at an unprecedented time of calm. (...) ‘We will not be subdued by any use of force by any side or any person. And if anyone is willing to use force against us we’re ready for sacrifice but we will not give up on democracy which we’ve always wanted from the beginning.’ (...) In response, the Tripoli-based government, which relies on patches of armed groups with flexible loyalties, declared a military alert. Serraj called the eastern advance an ‘escalation’ and urged Haftar’s forces to ‘stop using the language of threats’. He said he had ordered pro-government forces to prepare to ‘face all threats ... whether from terrorist groups, criminals, outlaws and all who threaten the security of every Libyan city’.” ("Libya: High alert in Tripoli after renegade leader orders advance", Al Jazeera, 05.04.2019 https://www.aljazeera.com/news/2019/4/5/libya-high-alert-in-tripoli-after-renegade-leader-orders-advance (accessed on 20 November 2022))</p> <p>“In a televised address the head of the UN-backed government, Prime Minister Fayeze al-Serraj, accused Gen Haftar of launching a coup. Mr al-Serraj said his government had ‘extended our hands towards peace’, but said Gen Haftar will now be met with ‘nothing but strength and firmness’.” ("Libya crisis: Fighting flares on outskirts of Tripoli", BBC, 06.04.2019, https://www.bbc.com/news/world-africa-47840031(accessed on 20 November 2022))</p> <p>“Gen Haftar spoke to Mr Guterres in Benghazi on Friday, and reportedly told him that his operation would not stop until his troops had defeated ‘terrorism’.” ("Libya crisis: Fighting flares on outskirts of Tripoli", BBC, 06.04.2019, https://www.bbc.com/news/world-africa-47840031(accessed on 20 November 2022))</p>
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						<p>“The head of Libya’s internationally recognised government has accused renegade General Khalifa Haftar of ‘betraying’ him after the latter launched a military offensive aimed at capturing the capital, Tripoli, in a showdown that has sparked fears of a renewed war.</p> <p>In a televised speech on Saturday, Fayeze al-Sarraj said Haftar’s self-styled Libyan National Army (LNA) would meet firm resistance from forces loyal to his United Nations-backed Government of National Accord (GNA). (...)</p> <p>‘We have extended our hands towards peace but after the aggression that has taken place on the part of forces belonging to Haftar and his declaration of war against our cities and our capital ... he will find nothing but strength and firmness,’ al-Sarraj said. He also warned of ‘a war without winners’. (...)</p> <p>[A]l-Sarraj had called on the international community to differentiate between ‘aggressors and those who are defending themselves, between those who want a military country and those who want civilian rule.’”</p> <p>("GNA head accuses Haftar of 'betrayal', vows to end Tripoli push", Al Jazeera, 07.04.2019 https://www.aljazeera.com/news/2019/4/7/gna-head-accuses-haftar-of-betrayal-vows-to-end-tripoli-push (accessed on 20 November 2022))</p> <p>“The Interior Minister of the Presidential Council's government Fathi Bashagha has accused the UAE of sending Khalifa Haftar military support for his war on Tripoli in a clear violation of the international law. (...)</p> <p>He called on Egypt and Saudi Arabia to support Libyans not the individual named Haftar as betting on a person rather than the entire people is a losing bet.</p> <p>‘Our forces in Tripoli will turn from defense to offense to foil the advance of the attacking forces and push them to their previous positions.’ Bashagha remarked.</p> <p>He said his government regards Haftar as an illegitimate party and his forces as militias, and those who think he has built an army are delusional as the only Libyan army can be formed just when the constitution is approved.</p> <p>‘How can a national army attack a city of its own country.’ He asked, denying any talks with Haftar saying "we don't negotiate with a warlord."“</p> <p>("Interior Minister: UAE sending military support for Haftar's war on Tripoli", The Libya Observer, 13.04.2019, https://www.libyaobserver.ly/news/interior-minister-uae-sending-military-support-haftars-war-tripoli (accessed on 20 November 2022))</p>
<p>Letter sent in accordance with Art. 51 UNCh</p>	<p>0 – not applicable</p>					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	1 approves	<p><i>### In its resolutions in 2014 and 2015, the UNSC called for an immediate ceasefire and urged the rapid formation of a Government of National Accord in Libya. In December 2015, the UNSC expressed positive views on the development in Libya and recognized the GNA as the legitimate government of Libya. While in 2018 and 2019 condemning all military actions in and around Tripoli and stressing that there can be no military solution to the conflict, the UNSC reiterated its support of the GNA. Thus, the UNSC Reaction in regard to the Government of Libya is approving. ###</i></p> <p>UNSC Res 2174, 27 August 2014: Deploing the increasing violence in Libya, in particular around Tripoli and Benghazi, condemning ongoing fighting by armed groups and incitement to violence Welcoming the calls of the Government of Libya and House of Representatives for an immediate ceasefire Acting under Chapter VII of the Charter of the United Nations, 1. Calls on all parties to agree to an immediate ceasefire and an end to fighting, and expresses its strong support for the efforts of the United Nations Support Mission in Libya (UNSMIL) 2. Condemns the use of violence against civilians and civilian institutions and calls for those responsible to be held accountable;</p>

	<p>3. Calls on the House of Representatives and the Constitutional Drafting Assembly to carry out their tasks in a spirit of inclusiveness, and calls on all parties to engage in an inclusive Libyan-led political dialogue in order to help restore stability, and to forge consensus around the next steps in Libya’s transition;</p> <p>UNSC Res 2213, 27 March 2015: <i>Emphasizing the necessity for the constructive participation of the elected House of Representatives and other Libyan parties to take forward the democratic transition</i>, build state institutions and start the reconstruction of Libya, Acting under Chapter VII of the Charter of the United Nations, 1. Calls for an immediate and unconditional ceasefire, underscores that there can be no military solution to the ongoing political crisis, (...)</p> <p>UNSC Res 2238, 10 September 2015: <i>Recognizing the need for assistance planning for a Government of National Accord</i> and security arrangements, 1. Calls for an immediate and unconditional ceasefire, underscores that there can be no military solution to the ongoing political crisis (...) 2. Calls for the immediate formation of a Government of National Accord, and agreement on interim security arrangements necessary for stabilising Libya through the UN-facilitated Libyan Political Dialogue;</p> <p>UNSC Res 2259, 23 December 2015 [unanimously]: 1. <i>Welcomes</i> the signature on 17 December 2015 of the Libyan Political Agreement of Skhirat, Morocco to form a Government of National Accord consisting of the Presidency Council and Cabinet supported by the other institutions of state including the House of Representatives and State Council 3. <i>Endorses</i> the Rome Communiqué of 13 December 2015 to support the Government of National Accord as the sole legitimate government of Libya stresses that a Government of National Accord that should be based in the capital Tripoli is urgently needed to provide Libya with the means to maintain governance, promote stability and economic development, and expresses its determination in this regard to support the Government of National Accord;</p> <p>UNSC Res 2291, 13 June 2016: <i>Stressing that ensuring security and defending Libya from terrorism must be the task of unified and strengthened national security forces under the sole authority of the Government of National Accord</i> in accordance with the Libyan Political Agreement.</p> <p>UNSC Press Statement, 27 July 2017: [T]he members of the Security Council welcome the meeting of Fayeze al Sarraj, President of the Presidency Council of Libya, and General Khalifa Haftar, Commander of the LNA, hosted in Paris by the President of France on 25 July, and the Joint Declaration issued after the meeting. Council members urge all Libyans to support a negotiated political solution, national reconciliation, and an immediate ceasefire, as called for in the Joint Declaration.</p>
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	<p>(UNSC SC/12933, Press Statement, Security Council Press Statement on Libya, 27 July 2017, https://www.un.org/press/en/2017/sc12933.doc.htm (accessed on 20 November 2022))</p> <p>UNSC Press Statement, 6 September 2018: The members of the Security Council condemned the recent violence in Tripoli and called on all parties to exercise restraint, protect civilians and engage seriously in national reconciliation. They reiterated that there can be no military solution in Libya. (...) The members of the Security Council reiterated their support for the Government of National Accord, and acknowledged the important role played by Prime Minister and the President of the Presidency Council of the Government of National Accord, Fayez al-Sarraj, as well as other Libyan leaders, in promoting national reconciliation within a Libyan-led political process under the leadership of the United Nations.</p> <p>(UNSC SC/13490 Press Statement, Security Council Press Statement on Libya, 6 September 2018, https://www.un.org/press/en/2018/sc13490.doc.htm(accessed on 20 November 2022))</p> <p>UNSC Res 2434, 13 September 2018: Welcoming the UN-brokered ceasefire in Tripoli, recalling the Security Council Press Statement of 6 September condemning violence in Tripoli and calling on all parties to exercise restraint, protect civilians and engage seriously in national reconciliation, Recalling its resolution 2259 (2015) which endorses the Rome Communiqué of 13 December 2015 to support the Government of National Accord (GNA) as the sole legitimate government of Libya, with Prime Minister Fayez Serraj as the leader of the Presidency Council, <i>strongly encouraging</i> the GNA to engage with all parties in support of reconciliation and to enhance political outreach throughout Libya <i>Stressing</i> that ensuring security and defending Libya from terrorism must be the task of unified and strengthened national security forces under the sole authority of the GNA in accordance with the LPA,</p> <p>UNSC Res 2486, 12 September 2019: (...) <i>recalling</i> that there can be no military solution in Libya, and reiterating calls for all parties to commit to a lasting ceasefire and political dialogue under the leadership of the Special Representative of the Secretary-General, Expresses grave concern over ongoing hostilities in and around Tripoli, and the targeting of civilian infrastructure Recalling its determination in its resolution 2213 (2015) that the situation in Libya continues to constitute a threat to international peace and security</p> <p>UNSC Res 2509, 11 February 2020: <i>Reiterating</i> its request that all Member States support fully the efforts of the Special Representative of the Secretary-General, and its call on Member States to use their influence with the parties to bring about a ceasefire and a Libyan-led and Libyan-owned inclusive political process,</p> <p>UNSC Res 2510, 12 February 2020:</p>
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		<p>1. Welcomes the Berlin Conference convened on 19 January 2020 and emphasises the vital importance of making progress towards a political solution to end the conflict;</p> <p>2. Endorses the Conference Conclusions as contained in the document circulated as S/2020/63 and notes that these represent an important element of a comprehensive solution to the situation in Libya</p> <p>6. Condemns the recent increase in levels of violence and demands the parties commit to a lasting ceasefire according to the terms agreed by the Joint Military Commission;</p>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p><i>### States are recognizing the GNA as the legitimate government of Libya. ###</i></p> <p>“We fully recognize and support the Libya Political Agreement and the institutions validated by it, and pledge our support for a Government of National Accord as the sole legitimate government of Libya. We will cease official contacts with individuals claiming to be part of institutions which are not validated by the Libya Political Agreement.” (Statement by Algeria, China, Egypt, France, Germany, Italy, Jordan, Morocco, Russia, Qatar, Saudi Arabia, Spain, Tunisia, Turkey, the United Arab Emirates, the United Kingdom, the United States, the European Union, the United Nations, the League of Arab States, the African Union) (Joint Communique of the Ministerial Meeting for Libya, 12 December 2015, Rome Italy, https://www.mfa.gov.tr/joint-communique-of-the-ministerial-meeting-for-libya_-13-december-2015_-rome_-italy.en.mfa (accessed on 20 November 2022))</p> <p>“The Governments of France, Germany, Italy, Spain, the United Kingdom, and the United States welcome the statement of the Presidency Council (PC) of 24 August 2016 and the announcement of its intention to submit a revised list of Government of National Accord (GNA) Ministers to the House of Representatives (HoR). They emphasised the unanimous adoption of UN Security Council Resolution (UNSCR) 2259 which endorses the Rome Communiqué of 13 December 2015 and the Libya Political Agreement to support the GNA as the sole legitimate government of Libya and reject official contact with parallel institutions that claim to be the legitimate authority but are outside the Libya Political Agreement.” (German Federal Foreign Office, Press Release “Joint Statement on Libya”, 25.08.2016, https://www.auswaertiges-amt.de/en/newsroom/news/160825-lby/282906 (accessed on 20 November 2022))</p> <p>“We also welcome the efforts against terrorist groups as listed by the UN in other parts of Libya, including Benghazi, and commit to collectively pursue those efforts. (...)” We reiterate our support for the Libyan Political Agreement (LPA) of Skhirat, Morocco signed on December 17, 2015 and its fulfillment, and for the Government of National Accord (GNA) as the sole legitimate government of Libya, as endorsed in UN Security Council Resolutions 2259 and 2278.” (Statement by Algeria, Canada, Chad, China, Egypt, France, Germany, Jordan, Italy, Malta, Morocco, Niger, Qatar, Russia, Saudi Arabia, Spain, Sudan, Tunisia, Turkey, the United Arab Emirates, the United Kingdom, the United States, the European Union, United Nations, the League of Arab States, and the African Union)</p>

	<p>(US Department of State, Joint Communique on Libya, 22.09.2016, https://2009-2017.state.gov/r/pa/prs/ps/2016/09/262285.htm (accessed on 20 November 2022))</p> <p>“On Libya, the AU PSC and EU PSC reconfirmed their support to the UN led process and the Libyan Political Agreement reached by the UN Secretary General Special Representative Bernardino Leon.” (Statement by the African Union and European Union) (African Union Peace and Security Council and the European Union Political and Security Committee, Joint Communique, 8th Annual Joint Consultative Meeting of the Peace and Security Council for the African Union and the Political and Security Committee of the European Union, 16 October 2016, https://africa-eu-partnership.org/sites/default/files/joint_communique_final-and-conclusions-en_1.pdf (accessed on 20 November 2022))</p> <p><i>### State reaction in regard to the conflict is divided: On the one hand, many States (including the United States, the United Kingdom, the G7 States, China, Peru and the European Union) urge all parties to the conflict to end fighting and oppose military action in Libya and some States support the GNA. On the other hand, several States are supporting the forces of the House of Representatives and General Haftar in specific. These States include Saudi Arabia, the United Arab Emirates, Egypt. France is also said to be supporting Haftar's forces. Thus, State reaction remains unclear. ###</i></p> <p><i>### States calling for an end of violence by all parties to the conflict ###:</i> France, Italy, the United Arab Emirates, the United Kingdom, and the United States: “The governments of France, Italy, the United Arab Emirates, the United Kingdom, and the United States are deeply concerned about fighting near Gharyan, Libya and urge all parties to immediately de-escalate tensions, which are hindering prospects for UN political mediation. At this sensitive moment in Libya’s transition, military posturing and threats of unilateral action only risk propelling Libya back toward chaos. We believe strongly that there is no military solution to the Libya conflict. Our governments oppose any military action in Libya and will hold accountable any Libyan faction that precipitates further civil conflict.” (France, Ministère De L’Europe Et Des Affaires Etrangères, France Diplomacy, Libya – Joint Statement by France, Italy, the UAE, the UK and the US, 4 April 2019, https://www.diplomatie.gouv.fr/en/country-files/libya/news/2019/article/libya-joint-statement-by-france-italy-the-uae-the-uk-and-the-us-04-04-2019 (accessed on 20 November 2022)))</p> <p>“The United States, G7 bloc of wealthy nations and the European Union have also urged the LNA to halt its offensive.” ("Saudis ‘gave Libya’s Haftar millions of dollars before offensive", Al Jazeera, 12.04.2019, https://www.aljazeera.com/news/2019/4/12/saudis-gave-libyas-haftar-millions-of-dollars-before-offensive (accessed on 20 November 2022)))</p> <p>“The G7 group of major industrial nations has urged all parties ‘to immediately halt all military activity’. The UN Security council has issued a similar call.”</p>
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	<p>("Libya crisis: Fighting flares on outskirts of Tripoli", BBC, 06.04.2019, https://www.bbc.com/news/world-africa-47840031 (accessed on 20 November 2022))</p> <p>United Kingdom: "(...) strongly condemn the escalation of violence in and around Tripoli that has caused many casualties and endangered the lives of innocent civilians. We reiterate our support for the Presidency Council and the Government of National Accord as they work with the United Nations to promote reconciliation and a Libyan-led political process. That is underscored even more by the events in Tripoli. (...) The first call is on all Libyan parties to refrain from actions that undermine the ceasefire announcement, jeopardize the security of civilians or set back Libyan efforts to advance the political process. The second is to call on the House of Representatives to deliver progress on a constitutional basis for the elections." (Statement by the United Kingdom, S/PV.8341, 5 September 2018)</p> <p>Peru: "Peru deplores the outbreaks of violence in Tripoli in the past few days, especially where they have led to the death of civilians, including children. We urge all the parties concerned to respect the ceasefire and protect civilians." (Statement by Peru, S/PV.8341, 5 September 2018)</p> <p>China: "We call on the relevant parties to immediately put an end the conflict, resolve their differences through dialogue and negotiations and continue to advance the political settlement process with a view to achieving reconciliation and stability as soon as possible." (Statement by China, S/PV.8341, 5 September 2018)</p> <p><i>### Some States are supporting the GNA ###:</i></p> <p>Italy: "(...) Italy, which supports the UN-backed government." ("Khalifa Haftar: The Libyan general with big ambitions", BBC, 08.04.2019, https://www.bbc.com/news/world-africa-27492354 (accessed on 20 November 2022))</p> <p>"Italy, the former colonial power in Libya, with extensive oil investments, is trying to protect the Tripoli-based government, led by Fayeze al-Sarraj. Italy's coalition government has ruled out any use of military force." ("Libya crisis: Egypt's Sisi backs Haftar assault on Tripoli", The Guardian, 14.04.2019, https://www.theguardian.com/world/2019/apr/14/libya-crisis-egypt-sisi-backs-haftar-assault-on-tripoli(accessed on 20 November 2022))</p> <p><i>### Some States are supporting Haftar's military operations ###:</i></p>
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	<p>Saudi Arabia, Egypt, the United Arab Emirates: “Days before Libya’s renegade General Khalifa Haftar launched an offensive on the country’s capital, Tripoli, Saudi Arabia offered tens of millions of dollars to help pay for the operation, the Wall Street Journal has reported. The offer came during a visit by Haftar to the Saudi capital, Riyadh, ahead of his April 4 military campaign, the Journal said on Friday. Citing senior advisers to the Saudi government, the Journal said the offer of funds – accepted by Haftar – was intended to buy the loyalty of tribal leaders, recruit and pay fighters, and other military purposes.” ("Saudis 'gave Libya’s Haftar millions of dollars before offensive'", Al Jazeera, 12.04.2019, https://www.aljazeera.com/news/2019/4/12/saudis-gave-libyas-haftar-millions-of-dollars-before-offensive (accessed on 20 November 2022))</p> <p>“Before the latest offensive Mr Haftar was in Saudi Arabia where he met King Salman, leading to speculation that he was backing the Libyan general.” ("Khalifa Haftar: The Libyan general with big ambitions", BBC, 08.04.2019, https://www.bbc.com/news/world-africa-27492354 (accessed on 20 November 2022))</p> <p>“Several Middle Eastern countries including Egypt and the United Arab Emirates have backed Haftar as a bulwark against Islamist groups, notably the Muslim Brotherhood, who took a prominent role in Libya following the 2011 uprising and continued to participate in Libyan politics under the Tripoli government.” ("Saudis 'gave Libya’s Haftar millions of dollars before offensive'", Al Jazeera, 12.04.2019, https://www.aljazeera.com/news/2019/4/12/saudis-gave-libyas-haftar-millions-of-dollars-before-offensive (accessed on 20 November 2022))</p> <p>“Khalifa Haftar, the Libyan warlord bombarding Tripoli in an attempt to oust the country’s UN-recognised government, has won unequivocal support from the Egyptian leader, Abdel Fatah al-Sisi, his closest political ally. ‘The president affirmed Egypt’s support in efforts to fight terrorism and extremist militias to achieve security and stability for Libyan citizens throughout the country,’ Sisi’s office said on Sunday. It is thought Haftar also has the private support of leaders in Saudi Arabia and the United Arab Emirates.” ("Libya crisis: Egypt’s Sisi backs Haftar assault on Tripoli", The Guardian, 14.04.2019, https://www.theguardian.com/world/2019/apr/14/libya-crisis-egypt-sisi-backs-haftar-assault-on-tripoli (accessed on 20 November 2022))</p> <p>“Egypt and the United Arab Emirates have also been named as supporters of Mr Haftar. France has also provided tacit backing for Mr Haftar, which has resulted in a public falling out with Italy, which supports the UN-backed government. The two European countries see Libya as a key partner in stopping the wave of migration from sub-Saharan Africa. France, for example, carried out unprecedented air strikes on the LNA's biggest opponents - Chadian opposition fighters - in the midst of battles in the south.”</p>
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	<p>("Khalifa Haftar: The Libyan general with big ambitions", BBC, 08.04.2019, https://www.bbc.com/news/world-africa-27492354 (accessed on 20 November 2022))</p> <p>Russia: <i>### Russia is calling for an end of the fighting, but is also providing support to Haftar's forces. Thus, its reaction remains unclear.###</i> "Russia has also called on parties in the escalating conflict to find an agreement. Speaking in Egypt, Russian foreign minister Sergei Lavrov warned against what he called foreign meddling in Libya, while Egypt's foreign minister Sameh Shoukry said Libya's problems could not be solved by military means. Both countries have provided support to Gen Haftar." ("Libya crisis: Fighting flares on outskirts of Tripoli", BBC, 06.04.2019, https://www.bbc.com/news/world-africa-47840031 (accessed on 20 November 2022))</p> <p>"The Russians have intervened on behalf of the militia leader Khalifa Hifter, who is based in eastern Libya and is also backed by the United Arab Emirates, Egypt, Saudi Arabia and, at times, France. His backers have embraced him as their best hope to check the influence of political Islam, crack down on militants and restore an authoritarian order. (...) Russia had previously stayed in the background while the United Arab Emirates and Egypt took the leading roles in military support for Mr. Hifter. But by September, his assault on Tripoli seemed to have stalled and Russia apparently saw an opportunity." ("Russian Snipers, Missiles and Warplanes Try to Tilt Libyan War", The New York Times, 05.11.2019, https://www.nytimes.com/2019/11/05/world/middleeast/russia-libya-mercenaries.html (accessed on 20 November 2022))</p> <p>France: <i>### The position of France remains ambiguous, as France is on the one hand calling for an end of the fighting, but on the other hand is said to be supporting the Forces of Haftar indirectly. ###</i> "the security situation in the Libyan capital has deteriorated sharply, with grave humanitarian consequences that risk jeopardizing the political process. The clashes are unacceptable. France has expressed its condemnation of the violence, both in its national capacity and alongside its partners, and called for the actors to put an end to them." (Statement by France, S/PV.8341, 5 September 2018)</p> <p>"Italy's already fraught diplomatic relations with France have been put under further pressure by Haftar's attack. Last week France blocked a draft EU resolution that would have condemned him and called for him to retreat." ("Libya crisis: Egypt's Sisi backs Haftar assault on Tripoli", The Guardian, 14.04.2019, https://www.theguardian.com/world/2019/apr/14/libya-crisis-egypt-sisi-backs-haftar-assault-on-tripoli (accessed on 20 November 2022))</p>
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Forces of the House of Representatives (aligned with General Haftar)

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
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<p>5. Legitimacy Claim</p>	<p>0</p>	<p>### The Forces of the House of Representatives are led by General Haftar. They attempt to overthrow the Tripoli based Government of National Accord (GNA). Furthermore, Haftar brings forward to be fighting terrorism the Western regions of Libya. However, these claims cannot be considered as justificatory or legitimacy claims. ###</p> <p>“Haftar’s self-styled Libyan National Army, backed by the United Arab Emirates, is leading a multi-pronged assault on the capital in an attempt to overthrow the Tripoli-based GNA.” ("Battle for Tripoli escalates as fighting nears Libyan capital", The Guardian, 7.04.2019, https://www.theguardian.com/world/2019/apr/07/libya-us-forces-evacuated-haftar-seeks-military-control (accessed on 20 November 2022))</p> <p>“Haftar’s forces took over Gharyan, a town 100km south of Tripoli. In an audio recording posted on the LNA’s media office Facebook page, Haftar described his forces’ move as a ‘victorious march’ to ‘shake the lands under the feet of the unjust bunch’. ‘We are coming Tripoli, we are coming,’ he said. (...) [T]he LNA’s media centre said on Facebook that several units had headed “to the western region to cleanse it of the remaining terrorist groups”.” ("Libya: High alert in Tripoli after renegade leader orders advance", Al Jazeera, 05.04.2019, https://www.aljazeera.com/news/2019/4/5/libya-high-alert-in-tripoli-after-renegade-leader-orders-advance (accessed on 20 November 2022))</p> <p>“In Libyen haben sich die Gefechte zwischen Gefolgsleuten des abtrünnigen Armeegenerals Chalifa Haftar und regierungstreuen Einheiten in der Nacht auf die Hauptstadt Tripolis ausgeweitet. Einheiten Haftars (...)stürmten am Sonntagabend das Gebäude des Allgemeinen Nationalkongresses und erklärten das Übergangsparlament für aufgelöst. Ein Sprecher der Aufständischen forderte die Vertreter der Versammlung auf, ihre Vollmachten an ein Gremium zur Verabschiedung einer neuen Verfassung zu übergeben. (...) Haftar kündigte gegenüber dem saudi-arabischen Fernsehsender Al Arabija an, die Operation so lange fortzuführen, bis ,Benghasi vom Terrorismus gesäubert ist’.” („Blutiger Machtkampf erfasst Tripolis“, Frankfurter Allgemeine Zeitung, 19.05.2014 Blutiger Machtkampf erfasst Tripolis (accessed on 20 November 2022))</p> <p>“The 75-year-old [Haftar] (...) has portrayed himself as the only solution to Libya’s instability (...) .Haftar launched ‘Operation Dignity’ in 2014 to ‘cleanse’ the country of what he called ‘terrorist’ militias.” ("Libya: Haftar’s ‘ultimate goal’ and the fear of a full-blown war", Al Jazeera, 06.04.2019, https://www.aljazeera.com/news/2019/4/6/libya-haftars-ultimate-goal-and-the-fear-of-a-full-blown-war (accessed on 20 November 2022))</p>
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		<p>“On 4 April he [General Haftar] ordered his Libyan National Army (LNA) to advance to the capital, Tripoli, where the internationally recognised government is based. The LNA says its aim is to restore security and fight armed gangs and ‘terrorism’. (...)</p> <p>With Gaddafi's downfall, Mr Haftar faded into obscurity until February 2014, when he outlined on TV his plan to save the nation and called on Libyans to rise up against the elected parliament, the General National Congress (GNC), whose mandate was still valid at the time. (...)</p> <p>While Mr Haftar has been ambiguous about his own political ambition, it is likely that this is confined to a key role for himself in the new army under the national unity government and, more generally, for the LNA in the new armed forces.” (“Khalifa Haftar: The Libyan general with big ambitions”, BBC, 08.04.2019, https://www.bbc.com/news/world-africa-27492354 (accessed on 20 November 2022))</p> <p>“Haftar, who casts himself as a foe of ‘extremism’ but is viewed by opponents as a new authoritarian leader in the mould of Gaddafi, has vowed to continue his offensive until Libya is ‘cleansed’ of ‘terrorism’.” (“GNA head accuses Haftar of “betrayal”, vows to end Tripoli push”, Al Jazeera, 07.04.2019, https://www.aljazeera.com/news/2019/4/7/gna-head-accuses-haftar-of-betrayal-vows-to-end-tripoli-push (accessed on 20 November 2022))</p> <p>“Khalifa Haftar, the Libyan warlord bombarding Tripoli in an attempt to oust the country’s UN-recognised government (...).” (“Libya crisis: Egypt’s Sisi backs Haftar assault on Tripoli”, The Guardian, 14.04.2019, https://www.theguardian.com/world/2019/apr/14/libya-crisis-egypt-sisi-backs-haftar-assault-on-tripoli (accessed on 20 November 2022))</p>
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	Code	Material
6. UNSC Reaction	3 unclear	### The UNSC called on all parties to sign a cease-fire and emphasized its support of the GNA as the sole legitimate government of Libya. However, the UNSC did not specifically refer to the Forces of the House of Representatives and to General Haftar. Thus, its reaction in this regard remains unclear. ###
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>### State reaction in regard to the conflict is divided: On the one hand, many States (including the United States, the United Kingdom, the G7 States, China, Peru and the European Union) urge all parties to the conflict to end fighting and oppose military action in Libya and some States support the GNA. On the other hand, several States are supporting the forces of the House of Representatives and General Haftar in specific. These States include Saudi Arabia, the United Arab Emirates, Egypt. France is also said to be supporting Haftar’s forces. Thus, State reaction remains unclear.</p> <p>For further information: See Libya 9 ###</p>

696 United Arab Emirates

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### The United Arab Emirates (UAE) are fighting aside the forces of the House of Representatives. The reason for the support by UAE is seen in Haftar's fight against Islamists. However, neither a justificatory nor a legitimacy claim brought forward by the United Arab Emirates is brought forward. ###</p> <p>"Gen Haftar has received backing from Egypt and the UAE, who see him as tough on Islamists." ("Libya crisis- General Haftar tells forces to take capital", BBC, 05.04.2019, https://www.bbc.com/news/world-africa-47819952 (accessed on 20 November 2022))</p> <p>"Several Middle Eastern countries including Egypt and the United Arab Emirates have backed Hafter as a bulwark against Islamist groups, notably the Muslim Brotherhood, who took a prominent role in Libya following the 2011 uprising and continued to participate in Libyan politics under the Tripoli government." ("Saudis 'gave Libya's Haftar millions of dollars before offensive", Al Jazeera, 12.04.2019, https://www.aljazeera.com/news/2019/4/12/saudis-gave-libyas-haftar-millions-of-dollars-before-offensive (accessed on 20 November 2022))</p>

						<p>“The 75-year-old [Haftar] (...) has come on the back of support by countries such as neighbouring Egypt and the United Arab Emirates. He has portrayed himself as the only solution to Libya’s instability (...) .Haftar launched “Operation Dignity” in 2014 to “cleanse” the country of what he called ‘terrorist’ militias.” (“Libya: Haftar’s ‘ultimate goal’ and the fear of a full-blown war”, Al Jazeera, 06.04.2019, https://www.aljazeera.com/news/2019/4/6/libya-haftars-ultimate-goal-and-the-fear-of-a-full-blown-war (accessed on 20 November 2022))</p> <p>“Despite the chorus of international concern over his actions, he [General Haftar] has had support from powerful outside players, including the UAE and Egypt.” (“Libya crisis: Fighting flares on outskirts of Tripoli”, BBC, 06.04.2019, https://www.bbc.com/news/world-africa-47840031(accessed on 20 November 2022))</p> <p>“Längst ist Libyen ein Stellvertreterkonflikt entbrannt: Al-Sarraj wird von der Türkei, Katar und Italien unterstützt, Haftar unter anderem von Russland, Ägypten, den Vereinigten Arabischen Emiraten und Frankreich.” (“Russische Söldner kämpfen laut Uno in Libyen gegen die Regierung”, Der Spiegel, 07.05.2020, https://www.spiegel.de/ausland/libyen-russische-soeldner-kaempfen-laut-uno-gegen-die-regierung-a-e47c31b0-459e-4a0c-9250-93878f60a7aa (accessed on 20 November 2022))</p> <p><i>### Even though the United Arab Emirates are conflict party and fighting aside General Haftar’s forces, statements by the UAE can be found calling for an end of the escalation in Libya. Thus, the position by the UAE remains ambiguous. ###</i></p> <p>“The governments of France, Italy, the United Arab Emirates, the United Kingdom, and the United States are deeply concerned about fighting near Gharyan, Libya and urge all parties to immediately de-escalate tensions, which are hindering prospects for UN political mediation. At this sensitive moment in Libya’s transition, military posturing and threats of unilateral action only risk propelling Libya back toward chaos. We believe strongly that there is no military solution to the Libya conflict. Our governments oppose any military action in Libya and will hold accountable any Libyan faction that precipitates further civil conflict.” (France, Ministère De L’Europe Et Des Affaires Etrangères, France Diplomacy, Libya – Joint Statement by France, Italy, the UAE, the UK and the US, 4 April 2019, https://www.diplomatie.gouv.fr/en/country-files/libya/news/2019/article/libya-joint-statement-by-france-italy-the-uae-the-uk-and-the-us-04-04-2019 (accessed on 20 November 2022))</p>
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Letter sent in accordance with Art. 51 UNCh	0 – not applicable
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4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	### The UNSC called on all parties to sign a cease-fire and emphasized its support of the GNA as the sole legitimate government of Libya. However, the UNSC did not specifically refer to the Forces of the United Arab Emirates. Thus, its reaction in this regard remains unclear. ###
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	### States reacted to the overall conflict, but no reaction specifically referring to Sudan as a conflict party can be found. ###

625 Sudan

Code	
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
0	0	0	0	0	0	0	<p>### Sudan is conflict party and fighting aside the Forces of the House of Representatives. No justificatory or legitimacy claim is brought forward. ###</p> <p>“Hemeti [General Mohamed Hamdan "Hemeti" Dagolo - commander of the Sudanese RSF] says he has increased his RSF contingent in Yemen and has despatched a brigade to Libya to fight alongside the rogue general Khalifa Haftar, presumably on the UAE payroll, but also thereby currying favour with Egypt which also backs Gen Haftar's self-styled Libyan National Army.” (“Sudan crisis: The ruthless mercenaries who run the country for gold”, BBC, 20.07.2019, https://www.bbc.com/news/world-africa-48987901 (accessed on 20 November 2022))</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable						

4. Invocation of use of force by a victim state	.1 Source	Material

0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	3 unclear	<i>### The UNSC called on all parties to sign a cease-fire and emphasized its support of the GNA as the sole legitimate government of Libya. However, the UNSC did not specifically refer to the Forces of Sudan. Thus, its reaction in this regard remains unclear. ###</i>
7. UNGA Reaction	4 no reaction	
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 no reaction	<i>### States reacted to the overall conflict, but no reaction specifically referring to Sudan as a conflict party can be found. ###</i>

81. Azerbaijan vs. Republic of Artsakh and Armenia 2020

Key data

Duration: 27.09.2020 – 10.11.2020; Participants: Azerbaijan, Turkey vs. Artsakh, Armenia. Initiator: Azerbaijan (*disputed*).

373 Azerbaijan

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	<p>### Contestation of Facts because Azerbaijan holds Armenia accountable for the start of armed attacks. No contestation of interpretation because different legal opinions are only the consequence of different factual views. ###</p> <p>Statement of the Ministry of Foreign Affairs of the Republic of Azerbaijan, A/75/357-S/2020/948, Annex, 27 September 2020: “On 27 September 2020, the armed forces of Armenia blatantly violating the ceasefire regime have launched another aggression against Azerbaijan. (...) In order to prevent another military aggression by Armenia and provide the security of densely populated civilian residential areas the Armed Forces</p>

						<p>of the Republic of Azerbaijan undertake counter-offensive measures within the right of self-defence and in full compliance with the international humanitarian law. Another aggression by Armenia against Azerbaijan is a blatant violation of fundamental norms and principles of international law, the international humanitarian law, including the Geneva Conventions of 1949 and their Additional Protocols, as well as the United Nations Security Council resolutions 822, 853, 874, 884 of 1993 demanding the immediate and unconditional withdrawal of the armed forces of Armenia from the occupied territories of Azerbaijan. The new act of aggression by Armenia against Azerbaijan is the continuation of the latest provocations of the Armenian side. (...) Full responsibility for the present situation falls on the political-military leadership of Armenia.”</p> <p>A/75/368 - S/2020/956, Letter of 29 September 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General: “On 27 September 2020, the armed forces of Armenia subjected the positions of the armed forces of Azerbaijan along the front line and the populated areas in my country to intensive fire, with the use of large-calibre weapons, artillery and mortars, in blatant violation of international law. In order to repulse the aggression and ensure the safety of the civilian population, the armed forces of Azerbaijan have undertaken countermeasures, in the exercise of the right of self-defence and in full compliance with international humanitarian law. (...) “</p> <p>Press release of the Ministry of Foreign Affairs of the Republic of Azerbaijan on the shelling of the Shamkir and Barda districts of Azerbaijan by Armenia, A/75/486 S/2020/969, Annex I, 2 October 2020: “Continuing its policy of aggression, Armenia tries to implement the “new war for new territories” tactics, as has been stated by its officials. In order to protect the territorial integrity of Azerbaijan and ensure the security of the civilian population within its international borders, the Azerbaijani Army will adequately respond to the attacks of the Armenian side. We reiterate that Armenia bears full responsibility for the situation.”</p> <p>, A/75/492–S/2020/977, Letter dated 3 October 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General: “In order to repulse the aggression and ensure the safety of the civilian population, the armed forces of Azerbaijan continue the counter-offensive operation, neutralizing Armenian fire and stronghold battle positions and liberating the sovereign territories of Azerbaijan from enemy occupation, in the exercise of the right of self-defence and in full compliance with international humanitarian law.”</p> <p>A/75/487–S/2020/973, Letter dated 4 October 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General:</p>
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						<p>“Further to our previous communications in connection with the act of aggression perpetrated by Armenia against Azerbaijan on 27 September 2020 and the situation it caused, I have the honour to inform you of the following. In the morning hours on 4 October 2020, the armed forces of Armenia launched massive missile attacks from the territory of Armenia against the densely populated residential areas of Ganja. (...) The armed forces of Azerbaijan continue the counteroffensive operation, neutralizing Armenian fire and battle positions and liberating the territories of Azerbaijan from enemy occupation, in the exercise of the right of self-defence and in full compliance with international humanitarian law.”</p> <p>A/HRC/45/G/19, Annex, Press release dated 29 September 2020 by the Press Service Department of the Ministry of Foreign Affairs of the Republic of Azerbaijan: “In the first place, on 27 September 2020, the armed forces of Armenia have launched another act of aggression against Azerbaijan, by intensively attacking the positions of the armed forces of Azerbaijan as well as residential areas along the frontline, with the use of large-caliber weapons, mortar launchers and artillery of different calibers. (...) We inform that the Armed Forces of the Republic of Azerbaijan fully and resolutely respect the international humanitarian law in the counter operations conducted within the right to self-defence to prevent another military aggression by Armenia and protect the civilian population densely residing along the frontline.”</p>
Letter sent in accordance with Art. 51 UNCh	1 yes	A/75/357–S/2020/948, Letter of 27 September 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General (Annex - Statement of the Ministry of Foreign Affairs of the Republic of Azerbaijan				

2.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
8 recover territory	4 no spec.	1 Yes	1 Yes	2 No	1 Yes	2 No	### Contestation of facts because contrary to Azerbaijan, Armenia does not see itself as occupying power. Contestation of interpretation & about abstract / general scope because the existence and interpretation of this justificatory claim is disputed (in particular in relation to the scope of self-defence)###

						<p>Speech of Ilham Aliyev to the Nation, 27 September 2020, https://president.az/en/articles/view/40968 (accessed on 10 September 2022): “At the same time, the recent military exercises in the occupied territories should be considered another provocation by Armenia. Because these exercises have one purpose: to attack Azerbaijan, to fire on the civilian population and to occupy new lands! (...) Our position is based on international law and justice. We are fighting on our own land. Today, the Azerbaijani Army is dealing crushing blows to the enemy on Azerbaijani soil. Today, the Azerbaijani Army protects the territorial integrity of Azerbaijan on its territory. What are Armenian soldiers doing in our lands?! What is the Armenian army doing in our lands?! It is no secret that 90 percent of the personnel in the “Nagorno-Karabakh army” are Armenian citizens. Armenia is an occupying state, this occupation must and will end.”</p> <p>Speech of Ilham Aliyev to the Nation, 4 October 2020, https://president.az/en/articles/view/41713 (accessed on 10 September 2022): “As you know, Azerbaijan has been fighting to restore its territorial integrity for a week now. (...) We are restoring historical justice today because the land of Karabakh is our ancient historical land. The people of Azerbaijan have lived, created and built in these lands for centuries. But for many years, for almost 30 years, Armenian executioners have occupied our lands, destroyed all our historical, religious and cultural sites. (...) We are fighting on our own lands. Our territorial integrity must be restored and we are on the right path. Our soldiers are saviors because they are liberating their native land from invaders. (...) Nagorno-Karabakh is ours, it is our land, we must return there, we are returning there and we will return there! (...) We are restoring justice, restoring our territorial integrity, fulfilling the hopes of the Azerbaijani people and will continue to do so. We are right and we will win!</p> <p>Speech of Ilham Aliyev to the Nation, 9 October 2020, https://president.az/en/articles/view/42411 (accessed on 10 September 2022): “Azerbaijan is liberating the occupied territories. (...). Because we are fighting on our own land, we are liberating our own lands. Armenian soldiers are occupiers. (...) We are on the right path, we are winning, we are getting the upper hand and we will take back our lands! We will restore our territorial integrity! (...) We will return these lands anyway. We will restore our territorial integrity. The whole world saw that, including Armenia. We don’t want bloodshed. We don’t want martyrs. We want our lands back. Get out of our land! Go and live in your own country. We will get our lands back! (...) There is no line of contact. We smashed it. (...) In fact, they were building concrete fortifications there for 30 years. We broke through. No-one can stop an Azerbaijani soldier. We have destroyed that line of contact today. There is no line of contact. Now they are saying there will be a new line of contact. It will not happen! We will take back our lands. (...) We will liberate our lands</p>
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						<p>and restore our territorial integrity! We will drive the enemy away. I know that the people of Azerbaijan liked my previous remarks. We will drive them away to the very end. Our flag will be raised in all occupied territories and the territorial integrity of Azerbaijan will be restored.”</p> <p>Speech of Ilham Aliyev to the Nation, 17 October 2020, https://president.az/en/articles/view/43334 (accessed on 10 September 2022): “I also appealed to the Armenian people, and I am appealing to them again: Do not let your children go! What are they doing in our lands? Live in your own country. We have nothing to do with you. Go and live in your own country, do whatever you want but leave our lands. (...) We are fighting on our own land and restoring our territorial integrity.”</p> <p>Statement dated 2 October 2020 of the Press Service Department of the Ministry of Foreign Affairs of the Republic of Azerbaijan, A/HRC/45/G/21, Annex: “Turkey supports Azerbaijan precisely because Azerbaijan is under occupation and has the right to liberate the occupied territories. (...) As for the current military operations against the occupying Armenian army, Azerbaijan has a strong, professional and modern army, fully capable of achieving its goal of ensuring its territorial integrity and sovereignty. (...) At present, these terrorist elements, illegally deployed in our occupied territories, are taking part in an aggressive war against Azerbaijan and its civilian population. If our appeals to the international community to expel these terrorist groups from the internationally recognized territories of the Republic of Azerbaijan do not work, the solution to this problem, which poses a serious threat to international and regional peace and security, will be possible by ending the occupation of our territories only by the armed forces of Azerbaijan.”</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

3.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
12 other	0	1 Yes	1 Yes	2 No	1 Yes	2 No	### Content of the claim is the right of unilateral enforcement of the UNSC resolutions from 1993 due to the inactivity of the members of the council. Facts disputed as Armenia does not see itself as

<p>(unilateral enforcement of UNSC-resolutions)</p>						<p><i>occupying power, interpretation & general scope disputed as the existence and the scope of this claim are not clear. ###</i></p> <p>Speech of Ilham Aliyev to the Nation, 26 October 2020, https://president.az/en/articles/view/44435 (accessed on 10 September 2022): “For 28 years, this issue dragged on, and they pretended to be addressing it. They kept coming and going; there were endless meetings and negotiations here and there. We are fed up with these negotiations. How long can one negotiate with the enemy? Besides, the enemy becomes complacent, rampant and impudent, and they tell us, no, there is no military option, and the issue must be resolved only peacefully. Who says there isn't? Isn't this a military solution now? What are we doing? We are single-handedly implementing UN Security Council resolutions, although this is the UN Security Council's responsibility. We are doing this alone. We have created a new reality. (...) As I have been saying for the past few years, the world is no longer the same. The power factor comes to the fore, and we did not do this. Take a look – do large countries reckon with international law today? No! Do they reckon with the UN Security Council? No! Everyone does what they want in their neighborhoods. One enters there, another one enters elsewhere, and the third one divides some territories. There is no semblance of international law. So why should we defend it? We are defending it and are not taking steps outside the law. We are not entering Armenia's territory; we are restoring the territories recognized by the international community”</p> <p>Speech of Ilham Aliyev to the Nation, 20 October 2020, https://president.az/en/articles/view/43696 (accessed on 10 September 2022): “We changed the status quo by showing strength on the battlefield. I said this before these clashes, I have said this several times. Unfortunately, international law does not work in international relations. If it did, four UN Security Council resolutions would have been implemented long ago. We waited for 20 years for these resolutions to be implemented. They simply remained on paper. Why? Because there was no political will, there was no mechanism for the implementation of these resolutions. The enemy thought that they could continue to ignore them, that they would continue to flout international law that they can continue to perpetrate their sordid deeds on our lands. We have forced them.”</p> <p>Speech of Ilham Aliyev to the Nation, 9 October 2020, https://president.az/en/articles/view/42411 (accessed on 10 September 2022): “Negotiations have been going on for about 30 years. Has the issue moved off the ground? Has a centimeter of land been given to us through negotiations? Did they force the aggressor to leave our land and implement the UN Security Council resolutions? No! How is this problem being resolved now? Isn't this a military way? This issue is being resolved by military means. Military and then</p>
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						<p>political. If this operation had not taken place, if we had not inflicted the necessary blows on the aggressor, if we had not taught them a lesson, would they have fled to Moscow to negotiate?! He would be satisfied and keep saying that we will not give back the land. We have forced them.”</p> <p>UNSC Resolutions 822 / 874 / (1993)</p> <p>S/RES/853: “Reaffirming the sovereignty and territorial integrity of the Azerbaijani Republic and of all other States in the region (...) 1. Condemns the seizure of the district of Agdam and of all other recently occupied areas of the Azerbaijani Republic (...) 3. Demands the immediate cessation of all hostilities and the immediate, complete and unconditional withdrawal of the occupying forces involved from the district of Agdam and all other recently occupied areas of the Azerbaijani Republic (...) 9. Urges the Government of the Republic of Armenia to continue to exert its influence to achieve compliance by the Armenians of the Nagorny-Karabakh region of the Azerbaijani Republic with its resolution 822 (1993) and the present resolution, and the acceptance by this party of the proposals of the Minsk Group of the CSCE“</p> <p>S/RES/884: “1. (...) condemns the occupation of the Zangelan district and the city of Goradiz, attacks on civilians and bombardments of the territory of the Azerbaijani Republic 2. Calls upon the Government of Armenia to use its influence to achieve compliance by the Armenians of the Nagorny Karabakh region of the Azerbaijani Republic with resolutions 822 (1993), 853 (1993) and 874 (1993), and to ensure that the forces involved are not provided with the means to extend their military campaign further; (...) 4. Demands from the parties concerned the immediate cessation of armed hostilities and hostile acts, the unilateral withdrawal of occupying forces from the Zangelan district and the city of Goradiz, and the withdrawal of occupying forces from other recently occupied areas of the Azerbaijani Republic.”</p>
<p>Letter sent in accordance with Art. 51 UNCh</p>	<p>0 – not applicable</p>					

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	<p>UNSC Press Elements on the situation in Nagorno-Karabakh, 29 September 2020 (closed session), https://new-york-un.diplo.de/un-en/news-corner/200929-presselements-nk/2398964 (accessed on 10 September 2022): “Security Council members expressed concern over reports of large scale military actions along the Line of Contact in the Nagorno-Karabakh conflict zone. They strongly condemn the use of force and regret the loss of life and the toll on the civilian population.”</p> <p>Press release by Reuters, 30 September 2020, https://www.reuters.com/article/uk-armenia-azerbaijan-un-idUKKBN26K3OE (accessed on 10 September 2022): “NEW YORK (Reuters) - The United Nations Security Council expressed concern on Tuesday about clashes over the enclave of Nagorno-Karabakh that threaten spiral into all-out war between Armenia and Azerbaijan. After a closed-door discussion on the issue by the 15-member council, they ‘expressed concern over reports of large scale military actions along the Line of Contact in the Nagorno-Karabakh conflict zone’ and ‘strongly condemn the use of force.’ ‘Security Council members voiced support for the call by the Secretary General on the sides to immediately stop fighting, de-escalate tensions and return to meaningful negotiations without delay,’ the council said in a statement.”</p>
7. UNGA Reaction	4 no reaction	Statement by the Spokesman of the UN Secretary General Antonio Guterres, SG/SM/20284, 27 September 2020:

		<p>“The Secretary-General is extremely concerned over the fresh resumption of hostilities along the line of contact in the Nagorno-Karabakh conflict zone. He condemns the use of force and regrets the loss of life and the toll on the civilian population. The Secretary-General strongly calls on the sides to immediately stop fighting, de-escalate tensions and return to meaningful negotiations without delay.”</p> <p>Statement by the Spokesman of the UN Secretary General Antonio Guterres, SG/SM/20311, 5 October 2020: “The Secretary-General condemns the continuing escalation of violence in the Nagorno-Karabakh conflict zone, despite repeated appeals from the international community to immediately stop the fighting. (...) The Secretary-General once again underlines that there is no military solution to the conflict and urges the sides to immediately cease all hostilities.”</p>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Unclear:</p> <p>United States: Statement of US Department of State Spokesperson Morgan Ortagus, September 27, https://hetq.am/en/article/122066 (accessed on 10 September 2022): “The United States condemns in the strongest terms this escalation of violence. Deputy Secretary Biegun called the Foreign Minister of Azerbaijan, Jeyhun Bayramov, and the Foreign Minister of Armenia, Zohrab Mnatsakanyan, to urge both sides to cease hostilities immediately, to use the existing direct communication links between them to avoid further escalation, and to avoid unhelpful rhetoric and actions that further raise tensions on the ground. The United States believes participation in the escalating violence by external parties would be deeply unhelpful and only exacerbate regional tensions.”</p> <p>Russia, France, United States: Statement by the Co-Chairs of the OSCE Minsk Group (Russia, France, US), 27 September 2020, https://www.osce.org/minsk-group/465018 (accessed on 20 November 2022): “The Co-Chairs view with concern reports of largescale military actions along the Line of Contact in the Nagorno-Karabakh conflict zone. We strongly condemn the use of force and regret the senseless loss of life, including civilians. The Co-Chairs appeal to the sides to cease hostilities immediately and to resume negotiations to find a sustainable resolution of the conflict.”</p> <p>Statement by the Co-Chairs of the OSCE Minsk Group (Russia, France, US), 1 October 2020, https://ge.usembassy.gov/statement-of-the-presidents-of-the-russian-federation-the-united-states-of-america-and-the-french-republic-on-nagorno-karabakh/ (accessed on 10 September 2022): “The President of the Russian Federation, the President of the United States of America and the President of the French Republic, representing the Co-Chair countries of the OSCE Minsk Group, condemn in the strongest terms the recent escalation of violence along the Line of Contact in the Nagorno-Karabakh conflict zone.”</p>

	<p>Statement by the Co-Chairs of the OSCE Minsk Group (Russia, France, US), 2 October 2020, https://www.osce.org/minsk-group/465711 (accessed on 10 September 2022): “The Co-Chairs strongly condemn the continued violence in the Nagorno-Karabakh conflict zone as well as against targets in the territory of Armenia and Azerbaijan away from the Line of Contact, and express our alarm at reports of increasing civilian casualties. Targeting or threatening civilians is never acceptable under any circumstances. The Co-Chairs call on the sides to observe fully their international obligations to protect civilian populations. (...) “</p> <p>Statement by the Co-Chairs of the OSCE Minsk Group (Russia, France, US), 5 October 2020, https://www.osce.org/minsk-group/465879 (accessed on 10 September 2022): “The Minister of Foreign Affairs of the Russian Federation Sergey Lavrov, Minister for Europe and Foreign Affairs of France Jean-Yves Le Drian, and Secretary of State of the United States of America Michael R. Pompeo, representing the Co-Chair countries of the OSCE Minsk Group, condemn in the strongest terms the unprecedented and dangerous escalation of violence in and outside of the Nagorno-Karabakh zone. The Ministers stress unconditionally that recent attacks allegedly targeting civilian centers - both along the Line of Contact and on the territories of Azerbaijan and Armenia outside the Nagorno-Karabakh conflict zone - and the disproportionate nature of such attacks constitute an unacceptable threat to the stability of the region.”</p> <p>Statement by the Co-Chairs of the OSCE Minsk Group (Russia, France, US), 5 October 2020, https://www.osce.org/minsk-group/466998 (accessed on 10 September 2022): “The Co-Chairs note with alarm the continuing violence in the Nagorno-Karabakh conflict. The Co-Chairs call on Azerbaijani President Ilham Aliyev and Armenian Prime Minister Nikol Pashinyan to take immediate steps to execute in full the obligations of the sides according to the October 10 Moscow statement, in order to prevent catastrophic consequences for the region.”</p> <p>European Union: STATEMENT BY THE EUROPEAN UNION AT THE 1286th MEETING OF THE OSCE PERMANENT COUNCIL, PC.DEL/1455/20, 22 October 2020, https://www.osce.org/files/f/documents/6/2/469719.pdf (accessed on 10 September 2022): “In that regard, the European Union expresses its great concern at the suffering of the civilian populations and condemns in the strongest terms the continued violence, which is unacceptable regardless of where it originates. It is disturbed at the exacerbation of the conflict and the risks of a humanitarian crisis that would have a serious impact on the entire region.”</p> <p>Armenia/Azerbaijan: Statement by the Spokesperson on the reports of fighting, 17 November 2020, https://www.eeas.europa.eu/eeas/armeniaazerbaijan-statement-spokesperson-reports%E2%80%AF-fighting_en (accessed on 10 September 2022): “The EU is deeply concerned over the recent violence along the Armenia-Azerbaijani border, which has regrettably led to loss of life. The President of the European Council, Charles Michel, discussed the evolving situation with the President of Azerbaijan, Ilham Aliyev, and the Prime Minister of Armenia, Nikol Pashinyan, over the phone and called for urgent de-escalation and full respect of the ceasefire. The EU urges Armenia and Azerbaijan to exercise utmost restraint, disengage their military forces on the ground and</p>
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	<p>respect the commitments undertaken in the framework of the two trilateral statements. We call on both sides to resume negotiations to work towards a comprehensive settlement of outstanding issues, including border demarcation.”</p> <p>Tweet of the President of the European Council, Charles Michel, 27 September 2020: “Reports of hostilities from the Nagorno-Karabakh conflict zone are of most serious concern. Military action must stop, as a matter of urgency, to prevent a further escalation. An immediate return to negotiations, without preconditions, is the only way forward.”</p> <p>Germany: Speech by Minister of Foreign Affairs, Heiko Maas to the Bundestag, 29 October 2020, https://www.auswaertiges-amt.de/en/newsroom/news/maas-bundestag-nagorno-karabakh/2411560 (accessed on 10 September 2022): “Azerbaijan and Armenia must put an end to the fighting – this isn’t something that not only we, but also the international community, are calling for – with no strings attached. Both the Federal Chancellor and I have made this abundantly clear to both countries, and also to other parties involved in this context, such as Turkey, time and again. This is also the unanimous message sent by the United Nations, the OSCE and the European Union to the warring parties. Azerbaijan and Armenia must acknowledge at long last that a military solution to this long-standing conflict will not be accepted by the international community.”</p> <p>China: China’s Foreign Ministry Spokesman Wang Wenbin, Anadolu Agency, 29 September 2020, https://www.aa.com.tr/en/asia-pacific/china-urges-dialogue-over-azerbaijan-armenia-dispute/1988087 (accessed on 10 September 2022): “China calls for all parties to remain calm and exercise restraint on conflict between Armenia and Azerbaijan. Maintaining peace and stability in the region serves interests of all parties, including Armenia and Azerbaijan,” Wang said, according to Chinese daily Global Times. “We hope relevant countries will take measures to avoid further escalation and resolve disputes and differences through political dialogue,” the Chinese foreign ministry spokesman added.</p> <p>Iran: Foreign ministry spokesman, Al Jazeera, 29 September 2020 https://www.aljazeera.com/news/2020/9/27/armenia-azerbaijan-clashes-world-reactions (accessed on 10 September 2022): “Iran called for an immediate end to the conflict between Armenia and Azerbaijan after clashes between the two countries, a foreign ministry spokesman was quoted as saying by state TV, announcing Tehran’s readiness to help in establishing a ceasefire. ‘Iran is closely monitoring the conflict with concern and calls for an immediate end to the conflict and the start of talks between the two countries,’ Saeed Khatibzadeh said. ‘Tehran is ready to use all its capacities to help talks to start between the two sides.’”</p> <p>Approving: Turkey: A/75/525–S/2020/1024, Letter of 16 October 2020 from the Permanent Representative of</p>
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	<p>Turkey to the United Nations addressed to the Secretary-General: “It should also not be forgotten, despite Armenia’s attempts to that end, that Azerbaijan has been exercising its inherent right of self-defence, since the hostilities are taking place exclusively on its own sovereign territory.”</p> <p>Turkey Ministry of foreign affairs, 4 October 2020, Press Release Regarding Armenia’s Attacks on Ganja City of Azerbaijan, No: 228, https://www.mfa.gov.tr/no_-228_-ermenistan-in-azerbaycan-in-gence-kentine-saldirilari-hk.en.mfa (accessed on 10 September 2022): “We support the stance of the Azerbaijani administration which has announced that it will not respond to Armenia’s provocations, that it is exercising its right of self-defense arising from international law within its internationally recognized borders and that it is making every possible effort to prevent harm to the civilian population.”</p> <p>President Erdogan, Reuters, 28 September 2020, https://www.reuters.com/article/us-armenia-azerbaijan-turkey-idUSKBN26J1OL (accessed on 10 September 2022): “It is time to end the crisis in the region, which started with the occupation of Nagorno-Karabakh. The region will once again see peace after Armenia immediately withdraws from the Azeri lands it is occupying. (...) Azerbaijan had to take matters into its own hands whether it likes it or not. Turkey will continue to stand with (...) Azerbaijan with all its resources and heart.”</p> <p>President Erdogan, Speech in Turkish Parliament on 1 October 2020, Dailysabah, https://www.dailysabah.com/politics/diplomacy/turkey-sides-with-azerbaijan-against-armenias-occupation-erdogan-says (accessed on 10 September 2022): “‘The Minsk trio consisting of the U.S., Russia and France making cease-fire calls after years of ignorance does not make sense. Occupiers need to leave the land they’re occupying first,’ Erdoğan said, in reference to Armenian occupiers in the Nagorno-Karabakh region. ‘Permanent peace in the Nagorno-Karabakh region will only be possible if Armenia leaves the Azerbaijani lands it has been occupying,’ the president said.”</p> <p>Ministry of foreign affairs of Turkey, No: 239, 10 October 2020, Press Release Regarding the Ceasefire Between Azerbaijan and Armenia: “Since the beginning, Turkey has always underlined that it would only support those solutions which were acceptable to Azerbaijan. With this understanding, Turkey will continue to stand by brotherly Azerbaijan on the ground and at the table.”</p> <p>Pakistan: Statement of the foreign ministry, 27 September 2020, Al Jazeera https://www.aljazeera.com/news/2020/9/27/armenia-azerbaijan-clashes-world-reactions (accessed on 10 September 2022): “Pakistan’s foreign ministry said it was ‘deeply concerned’ about the deteriorating security situation in Nagorno-Karabakh region, saying that it stood with Azerbaijan. The shelling by Armenian forces over the weekend was ‘reprehensible and most unfortunate,’ a ministry spokesman said in a statement. This could compromise peace and security of the entire region. ‘We support Azerbaijan’s position on Nagorno-Karabakh, which is in line with the several unanimously adopted UN Security Council resolutions,’ it added.”</p>
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338 Republic of Artsakh

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 Interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	1 Treaty	1 Yes	1 Yes	2 No	2 No	2 No	<p>### Contestation of Facts because of the controversy over who started the armed attacks (cf. Azerbaijan). Contestation of Application because as a state not recognized by the international community, it is disputed whether Artsakh can invoke self defence. ###</p> <p>Statement dated 27 September 2020 by the Ministry of Foreign Affairs of the Republic of Artsakh, A/75/366 S/2020/955 4/4 20-12747, Annex II: „On 27 September 2020, the Azerbaijani armed forces launched a large -scale attack on the positions of the Defence Army of the Republic of Artsakh along the entire line of contact of the armed forces. The armed attack by the Azerbaijani army was accompanied by artillery shelling and air strikes, including on civilian objects and civilian population. (...) The actions of the Azerbaijani side constitute an act of aggression against the Republic of Artsakh, which, in accordance with the provisions of the Charter of the United Nations, exercises its inherent right to self-defense and takes all necessary measures to repel the aggression and restore peace in the region.”</p>
Letter sent in accordance with Art. 51 UNCh	1 yes A/75/366 S/2020/955 4/4 20-12747, Annex II						

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	
5. Legitimacy Claim	Code	Material
5.1	4 defence against terrorism	<p>President of the Republic of Artsakh, Annex to the letter dated 7 October 2020 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General, A/75/501 S/2020/988: “Right now, Artsakh and Armenia are literally at the forefront of the fight against international terrorism. However, in this case, the specificity lies in the fact that the enemy, threatening the existence of world civilization, attacked our country hiding behind the flag of a United Nations Member State, as part of the army of that State, and often instead of that army. (...) All nations of the world must prevent Turkey’s plans to turn Azerbaijan into a hotbed of terrorism in the South Caucasus. Today, Armenia and Artsakh are at the forefront of this struggle, for we have risen to the challenge imposed upon us. And we will fight until the final victory. But this is a challenge not only for Armenia and Artsakh. As the President of a country fighting for its independence, I call on the civilized world to take an active part in the fight against terrorism.”</p> <p>President of the Republic of Artsakh, Annex to the letter dated 7 October 2020 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General, A/75/501 S/2020/988: “As the President of a country fighting for its independence, I call on the civilized world to take an active part in the fight against terrorism.”</p>
5.2	1 enable self-determination	<p>President of the Republic of Artsakh, Annex to the letter dated 7 October 2020 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General, A/75/501 S/2020/988: “As the President of a country fighting for its independence, I call on the civilized world to take an active part in the fight against terrorism.”</p> <p>Comment of the Ministry of Foreign Affairs of the Republic of Artsakh, Annex II to the letter dated 9 October 2020 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General, A/75/506 S/2020/993: “Firstly, citizens of the Republic of Artsakh have been living in an independent, sovereign state since 1991, and have no political and legal ties with Azerbaijan whatsoever. Baku has long lost the moral right to call the people of Artsakh ‘its citizens’. And, after unleashing an armed aggression against the Republic of Artsakh on September 27, 2020 (...) such statements from Baku are a</p>

	<p>meaningless set of empty words. Moreover, by unleashing another aggressive war and resuming attempts to resolve the Azerbaijan-Karabakh conflict by force, Baku has derailed all the efforts of the international mediators, nullifying their initiatives in the peace process. Under the current circumstances, there is only one way out – international recognition of the independence of the Republic of Artsakh, which will ensure lasting peace and stability in the region (...).”</p> <p>Statement of the Ministry of Foreign Affairs of the Republic of Artsakh on the ongoing war crimes of Azerbaijan 7 November 2020, Annex to the letter dated 8 November 2020 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General, A/75/586 S/2020/1093: “In the face of circumstances of widespread and systematic violations of the rights of entire peoples and threat of their extermination, the international community has established and developed a practice of suppressing crimes against humanity through international recognition of the right of these peoples to remedial recognition. The international recognition of the independence of the Republic of Artsakh is precisely the very measure by which the international community will put an end to the criminal policy of Azerbaijan”</p> <p>Comment by the Foreign Minister of Artsakh, Masis Mayilian, on the status of the Republic of Artsakh, Annex to the letter dated 30 November 2020 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General, A/75/617 S/2020/1149: “The latest public discussions on the status of the Republic of Artsakh, as well as the provocative statements by the leadership of Azerbaijan, reaffirm the need for international recognition of the independence of Artsakh as the most optimal and effective way out of the situation resulting from the armed aggression against our republic by Azerbaijan with the support of Turkey and Turkish-backed international terrorists. Azerbaijan’s categorical refusal to discuss the issue of the status of Artsakh, voiced at the highest level, removes any obstacles for other states to recognize the independence of the Republic of Artsakh, which is the result of the exercise by our people of their inalienable right to self-determination. If in the past states refrained from recognizing the independence of Artsakh out of concerns of hindering the process of peaceful settlement of the Azerbaijan-Karabakh conflict, then after the armed aggression against Artsakh, occupation of a significant part of its territory and Baku’s public refusal to discuss the issue of the status, these concerns have lost their relevance. International recognition of the independence and acquisition of international legal personality by the Republic of Artsakh will create most important conditions for the restoration of its territorial integrity by political and diplomatic means. The world community has no right to reconcile with a situation resulting from the armed aggression of an alliance of two authoritarian and genocidal states, as well as international terrorists whose actions do not fit into the legal and moral norms of the civilized world.”</p> <p>Statement of the Ministry of Foreign Affairs of the Republic of Artsakh dated 29 September 2020, Annex to the note verbale dated 1 October 2020 from the Permanent Mission of Armenia to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights, A/HRC/45/G/13: “(...) the international recognition of the Republic of Artsakh will become international community’s collective contribution to the restoration of regional peace and security and create conditions for resolving all remaining issues through negotiations. Moreover, the recognition of the solid legal grounds and legitimate results of the realization by the people of Artsakh of their</p>
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		inalienable right to self-determination will become an effective factor in deterring the Turkish-Azerbaijani genocidal policy towards the Republic of Artsakh, which apparently neither Baku or Ankara are willing to abandon.”
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	Code	Material
6. UNSC Reaction	5 no reaction	<i>see Azerbaijan 6</i>
7. UNGA Reaction	4 no reaction	<i>see Azerbaijan 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Unclear <i>see Azerbaijan 9</i> ## transferable since statements refer to general need for peace and negotiations and are not specified on the specific parties ###</p> <p>Disapproving Turkey: <i>see Armenia 9</i> ### since Turkey does not recognize Artsakh as a sovereign state, but only as illegal occupied territory by Armenia ###</p>

640 Government of Turkey

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
10 denial of involvement	4 no spec.	1 Yes	2 No	2 No	2 No	2 No	A/75/525-S/2020/1024, Letter of 16 October 2020 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General: “Nevertheless, instead of taking responsibility, Armenian leadership resorts to

						<p>black propaganda and defamation against Turkey, to divert attention from the gross international law violations that it continues to commit. Armenian allegations about Turkish involvement in the field and about the fighters from outside are baseless and irrational. Both Azerbaijan and the relevant authorities in Turkey totally and unequivocally rejected these Armenian fabrications. This disinformation campaign aims to portray Armenia as the victim, while it continues its illegal occupation. Armenia’s baseless and hostile claims are no more credible than its practice of politicizing and distorting historical events.”</p> <p>A/75/880 - S/2021/447, Letter of 7 May 2021 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General: „As for Armenia’s numerous letters, which tediously repeat the baseless allegations about Turkish involvement in the field and about the fighters from outside in the context of Azerbaijan’s recent liberation of its occupied land in response to the new acts of aggression initiated by Armenia on 27 September 2020, it is lamentable, to say the least, that the Armenian leadership continues to resort to black propaganda against Turkey.“</p> <p>Communication director of Turkey Fahrettin Altun, 29 September 2020, Reuters, https://www.reuters.com/article/armenia-azerbaijan-turkey-idINI7N2EF02Q (accessed on 10 September 2022): “The claim by an Armenian official that Turkey shot down an Armenian fighter jet is ‘absolutely untrue’, Turkey’s communications director Fahrettin Altun said on Tuesday. ‘Armenia should withdraw from the territories under its occupation instead of resorting to cheap propaganda tricks’.”</p>
Letter sent in accordance with Art. 51 UNCh	0 – not applicable					

4. Invocation of use of force by a victim state	.1 Source	Material
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0	0	
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	Code	Material
5. Legitimacy Claim	0	

	Code	Material
6. UNSC Reaction	5 no reaction	<i>see Azerbaijan 6</i>
7. UNGA Reaction	4 no reaction	<i>see Azerbaijan 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	4 No reaction	<p>United States: Statement of US Department of State Spokesperson Morgan Ortagus, September 27, https://hetq.am/en/article/122066 (accessed on 10 September 2022): “The United States condemns in the strongest terms this escalation of violence. Deputy Secretary Biegun called the Foreign Minister of Azerbaijan, Jeyhun Bayramov, and the Foreign Minister of Armenia, Zohrab Mnatsakanyan, to urge both sides to cease hostilities immediately, to use the existing direct communication links between them to avoid further escalation, and to avoid unhelpful rhetoric and actions that further raise tensions on the ground. The United States believes participation in the escalating violence by external parties would be deeply unhelpful and only exacerbate regional tensions.”</p> <p>Russia, France, US: Statement by the Co-Chairs of the OSCE Minsk Group (Russia, France, US), 2 October 2020, https://www.osce.org/minsk-group/465711 (accessed on 10 September 2022): “The Co-Chairs also stress that participation in the escalating violence by external parties undermines efforts to achieve lasting peace in the region.”</p>

371 Armenia

	Code
Law invoked?	1 Yes

1.1 Justificatory claim	.2 Source of law	Contestation about					Material
		.3 facts	.4 interpretation	.5. exceptional circumstances	.6 abstr. gen. level	.7 validity	
1 self-defence	4 no spec.	1 Yes	1 Yes	2 No	2 No	2 No	<p>### Contestation of Facts because of the controversy over who started the armed attacks. Contestation of Application since Artsakh is a state not recognized by the international community, thus it is disputed whether Armenia can invoke (collective) self defence. Whether Armenia invokes (individual) self-defence is unclear. ###</p> <p>A/75/356 S/2020/947, Letter from Zohrab Mnatsakanyan, Minister of Foreign Affairs of the Republic of Armenia, Annex to the later dated 27 September 2020 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General:</p> <p>“On 27 September, Azerbaijani armed forces launched large-scale airborne, missile, and land attack along the entire line of contact between Nagorno-Karabakh and Azerbaijan, targeting civilian settlements, infrastructure, and schools, including in the capital city of Stepanakert. (...) The aggression was well-prepared and any reference by the Azerbaijani side to an alleged “counterattack” is utterly deceptive. (...) Armenia strongly condemns the aggression by Azerbaijan, whose pervasive record of ceasefire violations and military provocations, in flagrant violation of international humanitarian law, demonstrates a most dangerous and irresponsible intention to instigate a large-scale war in the region. (...) As a security guarantor of the people of Nagorno-Karabakh, Armenia will take all the necessary measures to protect their inalienable human rights and to deliver proportionate response to the aggressor. The right of the people of Nagorno-Karabakh to live in safety and dignity, free from fears and coercion, will not be compromised under any circumstances. The right of the people of Nagorno-Karabakh for self-determination is an integral</p>

						<p>part of the conflict settlement, and, as such, is fully acknowledged by the international community. By virtue of this right, the people of Nagorno-Karabakh should be able to determine their status without limitation.”</p> <p>Prime Minister Nikol Pashinyan's speech in the National Assembly, 27 September 2020, https://www.primeminister.am/en/statements-and-messages/item/2020/09/27/Nikol-Pashinyan-Speech/ (accessed on 10 September 2022): “This is Azerbaijan's attempt to resolve the issue of Artsakh through military means and to occupy it; this is an clear act of aggression. (...) The will and determination are the most important here, all Armenians must unite to defend Artsakh. All Armenians must unite to defend our history, our homeland, our identity, our future and our present. And we will win. (...) And long live the glorious Armenian Army that will defend the right of the Armenian people to live, to win and to prosper. (...) Artsakh must live, Artsakh must be self-determined, Artsakh must be independent, powerful and proud, as it is today, as it has always been.”</p> <p>Prime Minister Nikol Pashinyan's message to the nation, 27 September 2020, https://www.primeminister.am/en/statements-and-messages/item/2020/09/27/Nikol-Pashinyan-message/ (accessed on 10 September 2022): “(...) The Republic of Armenia is the guarantor of the security and independence of the Artsakh Republic. And the Republic of Armenia stands by Artsakh with all the potential of its population and state system. We will make every effort to keep the borders of our homeland intact and to protect our freedom and independence. Being a signatory to the ceasefire agreement of 1994, the Republic of Armenia will take all necessary action in the political, diplomatic and military fields to ensure the physical security of the people of Nagorno-Karabakh and impose peace on the enemy. The adversary has already suffered significant losses in human lives and military equipment. Azerbaijan should realize that our army’s combat efficiency is higher today than ever. The enemy should realize that today all Armenians worldwide are standing by Artsakh. (...) Our cause is just and fair, and this criminal encroachment will be given a worthy rebuff.”</p> <p>Statement of Prime Minister Nikol Pashinyan, 21 October 2020, https://www.primeminister.am/en/statements-and-messages/item/2020/10/21/Nikol-Pashinyan/ (accessed on 10 September 2022): “No matter what happens, we must fight for the rights of our people. This means first of all taking up arms and defending the Homeland. Only if we organize this process effectively and continuously, we will be able to reach a diplomatic solution acceptable to us. Azerbaijan says it does not agree with anything other than the capitulation of Karabakh. Therefore, protecting the rights of the people of Artsakh implies protecting the rights of the Armenian people. There is no Armenia without Artsakh.</p>
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						<p>(...) We all understand what that means. I wish to say that not only Karabakh is at stake, and I do not even want to discuss it, because our heroes of the liberation war of the 90s, and the entire context makes us refer to peoples' rights as we talk about Karabakh, since we realized in the early 90s that there is no Armenia without Artsakh, therefore protecting the rights of the people of Artsakh means protecting the rights of the Armenian people. I do not see any difference here."</p> <p>1.3. Contestation about Facts: <i>### denial of facts:</i> Statement by the Foreign Ministry of Armenia on the disinformation of the Defense Ministry of Azerbaijan, A/75/370 S/2020/959, Annex I, 29 September 2020: "We completely deny the accusations of the Ministry of Defense of Azerbaijan against Armenia on shelling of the Dashkesan region of Azerbaijan from the Vardenis region of Armenia. (...) Minutes after this disinformation the Azerbaijani armed forces attacked the civilian-military infrastructure in the Vardenis region, including targeting the civilian population, as a result of which one civilian was killed. In contempt of the continuing calls of the international community to end the hostilities, Azerbaijan, with the active encouragement, political and military support of Turkey, is expanding the geography of hostilities to the territory of the Republic of Armenia."</p>
Letter sent in accordance with Art. 51 UNCh	2 no	<p><i>### In letter A/75/356 S/2020/947 (see 1.1) the Minister of Foreign Affairs does not explicitly invoke self-defence nor under CIL nor under Art. 51, but only the general need to protect people from Nagorny Karabakh. This does not fulfill the requirements of Art. 51. ###</i></p>				

4. Invocation of use of force by a victim state	.1 Source	Material
0	0	

5. Legitimacy Claim	Code	Material
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5.1.	1 enable self-determination	<p>Prime Minister Nikol Pashinyan's speech in the National Assembly, 27 September 2020 https://www.primeminister.am/en/statements-and-messages/item/2020/09/27/Nikol-Pashinyan-Speech/ (accessed on 10 September 2022): “This is Azerbaijan's attempt to resolve the issue of Artsakh through military means and to occupy it; this is a clear act of aggression. (...) - We are presented with a choice, to either renounce the rights of the people of Artsakh or to fight a war. (...) Either we renounce the rights of the people of Artsakh, their right to be Armenians, their right to self-determination, or we fight a war. And it is this context that brings us to such a conflict today. The Republic of Armenia, and the Armenian people, must stand firmly and unequivocally to protect the rights of the people of Artsakh, and the rights of Armenian people in general. (...) The will and determination are the most important here, all Armenians must unite to defend Artsakh. All Armenians must unite to defend our history, our homeland, our identity, our future and our present. And we will win. (...) And long live the glorious Armenian Army that will defend the right of the Armenian people to live, to win and to prosper. (...) Artsakh must live, Artsakh must be self-determined, Artsakh must be independent, powerful and proud, as it is today, as it has always been.”</p> <p>Prime Minister Nikol Pashinyan’s Address to the Nation, 14 October 2020, https://www.primeminister.am/en/statements-and-messages/item/2020/10/14/Nikol-Pashinyan-message-to-the-nation/ (accessed on 10 September 2022): “But at this crucial moment we will not back down, because this is a crucial war for our people. In this situation, the Armenian people have only one thing to do: unite, mobilize all the potential we have, halt the enemy with a decisive blow and achieve a final victory, that is, the final settlement of the Nagorno-Karabakh conflict, the recognition of the right of the Nagorno-Karabakh people to self-determination.”</p> <p>Statement of Prime Minister Nikol Pashinyan, 21 October 2020, https://www.primeminister.am/en/statements-and-messages/item/2020/10/21/Nikol-Pashinyan/ (accessed on 10 September 2022): “No matter what happens, we must fight for the rights of our people. This means first of all taking up arms and defending the Homeland. Only if we organize this process effectively and continuously, we will be able to reach a diplomatic solution acceptable to us. Azerbaijan says it does not agree with anything other than the capitulation of Karabakh. Therefore, protecting the rights of the people of Artsakh implies protecting the rights of the Armenian people. There is no Armenia without Artsakh. (...) We all understand what that means. I wish to say that not only Karabakh is at stake, and I do not even want to discuss it, because our heroes of the liberation war of the 90s, and the entire context makes us refer to peoples’ rights as we talk about Karabakh, since we realized in the early 90s that there is no Armenia without Artsakh, therefore protecting the rights of the people of Artsakh means protecting the rights of the Armenian people. I do not see any difference here.”</p> <p>Prime Minister Nikol Pashinyan’s Address to the Nation, 27 October 2020, https://www.primeminister.am/en/statements-and-messages/item/2020/10/27/Nikol-Pashinyan-Speech/ (accessed on 10 September 2022): “The speech sought two objectives: to show the international community the Armenian side’s constructive approach and our people’s firm determination to fight for Artsakh’s legitimate rights. (...) And especially against this background, we have to further strengthen our collective will, unite our efforts, nurture our determination and dedication, materialize our decision to protect our people’s rights, the right of the Armenians of Artsakh to self-determination (...). Today Azerbaijan is not prepared for</p>
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		<p>compromise just as it used to be before. And this fact internationally legitimizes the right of the Armenian people to fight to the end, achieve and enjoy victories.”</p> <p>Statement dated 28 September 2020 by the Ministry of Foreign Affairs of the Republic of Armenia on the Azerbaijani Aggression against Artsakh, A/75/366 S/2020/955, Annex I: “The current aggression of Azerbaijan against Artsakh has two features. (...). The situation on the ground clearly indicates that the people of Artsakh are fighting against the Turkish-Azerbaijani alliance. Turkey, which a century ago annihilated the Armenian people in their historical homeland and up until now justifies that crime, now supports Azerbaijan by all possible means to carry out the same genocidal acts in the South Caucasus. This genocidal Turkish-Azerbaijani alliance is a serious threat to the peoples of the region. Armenia and Artsakh are strongly determined to repel with their full capacities and neutralize the intent of that alliance. And that strong resolve of the Armenian sides has no alternative, as it embodies the unshattered will of the Armenian people to live in their historical homeland.”</p>
<p>5.2.</p>	<p>5 humanitarian</p>	<p><i>### Armenia emphasizes its responsibility because of the close ethnic and historical ties to the population of Nagorny-Karabakh. Can they be classified as nationals in a wider sense? ###</i></p> <p>Prime Minister Nikol Pashinyan's message to the nation, 27 September 2020, https://www.primeminister.am/en/statements-and-messages/item/2020/09/27/Nikol-Pashinyan-message/ (accessed on 10 September 2022): “(...) The Republic of Armenia is the guarantor of the security and independence of the Artsakh Republic. And the Republic of Armenia stands by Artsakh with all the potential of its population and state system. We will make every effort to keep the borders of our homeland intact and to protect our freedom and independence. Being a signatory to the ceasefire agreement of 1994, the Republic of Armenia will take all necessary action in the political, diplomatic and military fields to ensure the physical security of the people of Nagorno-Karabakh and impose peace on the enemy. The adversary has already suffered significant losses in human lives and military equipment. Azerbaijan should realize that our army's combat efficiency is higher today than ever. The enemy should realize that today all Armenians worldwide are standing by Artsakh. (...) Our cause is just and fair, and this criminal encroachment will be given a worthy rebuff.”</p> <p>Address to the Nation by Prime Minister Nikol Pashinyan, 3 October 2020, https://www.primeminister.am/en/statements-and-messages/item/2020/10/03/Nikol-Pashinyan-message/ (accessed on 10 September 2022): “Their key target is the Armenian nation. Their objective is to carry on with their genocidal policy. And they have set themselves the task of bringing to completion the Armenian Genocide. But I wish to state now that the Armenian, the citizen of the Republic of Armenia, the citizen of the Republic of Artsakh is not an eternal traveler on the road to Der Zor (<i>a Syrian desert, where thousands of Armenians lost their lives during the Genocide. Translator's note</i>). Today, more than ever, we are bound to our identity and our homeland through an unwavering conviction to protect our rights.”</p> <p>Statement of Prime Minister Nikol Pashinyan, 21 October 2020, https://www.primeminister.am/en/statements-and-messages/item/2020/10/21/Nikol-Pashinyan/ (accessed on 10 September 2022): “No matter what happens, we must fight for the rights of our people. This means first of all taking up arms and defending the Homeland. Only if we organize this process effectively and continuously, we will be able to reach a diplomatic solution</p>

		acceptable to us. Azerbaijan says it does not agree with anything other than the capitulation of Karabakh. Therefore, protecting the rights of the people of Artsakh implies protecting the rights of the Armenian people. There is no Armenia without Artsakh. (...)"
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	Code	Material
6. UNSC Reaction	5 no reaction	<i>see Azerbaijan 6</i>
7. UNGA Reaction	4 no reaction	<i>see Azerbaijan 7</i>
8. ICJ Reaction	4 no reaction	
9. State Reaction	3 unclear	<p>Disapproving</p> <p>Turkey: A/75/525–S/2020/1024, Letter of 16 October 2020 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General: “The international community should make no mistake that the current outbreak of hostilities is the direct consequence of Armenia’s consistent provocations on the ground. Armenia’s complete disregard of international law and blatant violation of Security Council resolutions in particular have brought the region where it is today.”</p> <p>A/75/880 - S/2021/447, Letter of 7 May 2021 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General: “We shall not forget that Armenia occupied internationally recognized territories of Azerbaijan in blatant violation of international law and relevant Security Council resolutions. As a matter of fact, in the course of its recent aggression against Azerbaijan, it is Armenia that recruited foreign nationals from different countries, including by attracting volunteers from the diaspora, into its armed units, after which they were unlawfully deployed in the territories of Azerbaijan.”</p> <p>Turkey Ministry of foreign affairs, 4 October 2020, Press Release Regarding Armenia’s Attacks on Ganja City of Azerbaijan, No: 228, https://www.mfa.gov.tr/no_-228_-ermenistan-in-azerbaycan-in-gence-kentine-saldirilari-hk.en.mfa (accessed on 10 September 2022): “Armenia’s attacks today, targeting the civilian population in Ganja, the second largest city of Azerbaijan, are a new manifestation of Armenia's disregard of law. We condemn these attacks. (...) These attacks are an indication of the desperation of Armenia and that it will not shy away from committing crimes against humanity in order to continue its illegal occupation. As we have said since the beginning, Armenia is the biggest obstacle to peace and stability in the region.”</p> <p>Turkey Ministry of foreign affairs, No: 248, 16 October 2020, Press Release Regarding the Armenian Attack on the Nakhchivan Autonomous Republic of Azerbaijan: “We strongly condemn the rocket attack launched by Armenia from the occupied Qubadli district targeting Ordubadh district in the Nakhchivan Autonomous Republic of Azerbaijan.”</p>

	<p>Turkey Ministry of foreign affairs, No: 246, 15 October 2020, Press Release Regarding Armenia's Attacks on Terter City of Azerbaijan: "We strongly condemn the continuing attacks of Armenia on civilian settlements in Azerbaijan. (...) With this latest attack, Armenia once again demonstrated to the whole world its total disrespect for humanitarian values and laws."</p> <p>Tweet of the Spokesman of the President, Ibrahim Kalin, 27 September 2020 "We strongly condemn Armenia's attack on Azerbaijan. Armenia has once again violated international law and shown that it has no interest in peace and stability. Turkey stands in full solidarity with Azerbaijan and unreservedly supports its right to self-defense."</p> <p>Unclear <i>See Azerbaijan 9 ### transferable since statements refer to general need for peace and negotiations and are not specified on the specific parties ###</i></p>
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